Supreme Court, U.S.
FILED
JUL 11 1974
MICHAEL RODAK, JR., CLERK

APPENDIX
VOLUME II
(WELDER MANUFACTURING COMPANY, INC.)

Supreme Court of the United States
October Term, 1973

No. 73-1251

LEEDOM LEEDOM, DAVIDSON, SWEENEY & Co.,
Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD, *et al.*

No. 73-1254

NATIONAL LABOR RELATIONS BOARD,
Petitioner

v.

TRUCK DRIVERS UNION LOCAL NO. 413, AND
TEAMSTERS WELFARE UNION

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PRINTED FOR THE CONVENIENCE OF THE COURT PURSUANT TO RULE 40(3) OF THE RULES OF THE SUPREME COURT OF THE UNITED STATES

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1231

LINDEN LUMBER DIVISION, SUMMER & CO.,
Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD, *et al.*

No. 73-1234

NATIONAL LABOR RELATIONS BOARD,
Petitioner

v.

TRUCK DRIVERS UNION LOCAL NO. 413, AND
TEXTILE WORKERS UNION

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

INDEX

	Page
Relevant Docket Entries	55
Excerpts from Proceedings before the National Labor Relations Board in Case No. 2-CA-10823	57
Witnesses:	
Jack Munoz	
Direct Examination	59
Continued Direct Examination	63
Voir Dire Examination	66

Page

Excerpts from Proceedings before the National Labor Relations Board in Case No. 2-CA-10823
Witnesses:—Continued

Jack Rubinstein
Direct Examination 70

Charles Lincoln Shaw
Direct Examination 82

Dominick Caliciotti
Direct Examination 85

Redirect Examination 91

William Hissam
Direct Examination 93

Harmon Masker
Direct Examination 110

Joseph Munoz
Direct Examination 117

Harold Vandermark
Direct Examination 118

Arthur O'Hara
Direct Examination 119

Cross Examination 122

Redirect Examination 122

Helmut Hernsdorf
Direct Examination 123

Cross Examination 125

Fred Hicks
Direct Examination 136

Irving Hughson
Direct Examination 139

Cecil Frank Tonkinson
Cross Examination 140

Redirect Examination 141

Sy Cohen
Direct Examination 144

Page

Excerpts from Proceedings before the National Labor Relations Board in Case No. 2-CA-10823

Witnesses:—Continued

Walter Derse
Redirect Examination 156

Direct Examination 159

Cross Examination 174

Direct Examination 177

General Counsel's Exhibits:

2-A 179

2-B 181

2-C 183

2-D 185

4-A 187

5 188

The Order of the Supreme Court granting Certiorari 189

(The Board's decision and order and the opinion and judgment of the court of appeals are not reprinted in this appendix since they are already printed as an appendix to the petition in No. 73-1234).

CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES

In the Matter of: Textile Workers Union of America

Case No.: 2-CA-10823

11. 4.65	Charge filed
1.31.66	Complaint & notice of hearing, dated
2.10.66	Respondent's answer received
3.22.66	Respondent's demand for bill of particulars, received
3.29.66	General Counsel's opposition to motion and bill of particulars, dated
3.30.66	Order rescheduling hearing, dated
3.31.66	General Counsel's letter advising that General Counsel will move to amend complaint, dated
4. 8.66	Trial Examiner's order denying Respondent's motion for bill of particulars, dated
4.27.66	Order rescheduling hearing, dated
4.28.66	Petitioners' Motion for reconsideration, dated
5. 9.66	Amended complaint & notice of hearing, dated
5.19.66	Respondent's answer to complaint & request for bill of particulars, received
5.20.66	General Counsel's opposition to motion for bill of particulars, dated
5.31.66	Trial Examiner's order denying Respondent's request for bill of particulars, dated
6. 7.66	Hearing opened
7. 1.66	Hearing closed
9.22.66	Trial Examiner's Decision issued
11.28.66	Employer's exceptions, received

CHRONOLOGICAL LIST OF
RELEVANT DOCKET ENTRIES—Continued

10.21.68	Decision and Order isued by the National Labor Relations Board, dated
10.25.68	Petitioner's Motion for reconsideration and request for oral argument, dated
12.18.68	Board's Order denying motion for reconsideration and request for oral argument, dated
8.27 70	Supplemental Decision and Order issued by the National Labor Relations Board, dated
3. 7.72	Employer's request for oral argument, dated
3. 9.72	Employer's statement of position received
8.21.72	Board's Second Supplemental Decision and Order, dated
9.13.73	Decision and Judgment of Court of Appeals for District of Columbia Circuit
10.11.73	Linden Lumber Company's Petition for rehearing received
11. 6.73	Court's order denying petition for rehearing
4.22.74	Order of Supreme Court granting Certiorari

[1]

BEFORE THE
NATIONAL LABOR RELATIONS BOARD

Second Region

Case No. 2-CA-10823

In the Matter of:

ARTHUR F. DERSE, SR., PRESIDENT AND
WILDER MFG. CO., INC., RESPONDENT

and

TEXTILE WORKERS UNION OF AMERCIA,
AFL-CIO, CHARGING PARTY

Municipal Building, Port Jervis, New York,
Tuesday, June 7, 1966.

Pursuant to notice, the above-entitled matter came on for hearing at 1:00 o'clock p.m.

BEFORE:

LOWELL GOERLICH, ESQ., Trial Examiner.

APPEARANCES:

RAYMOND GREEN, ESQ.

—and—

WINIFRED MORIO, ESQ.

745 Fifth Avenue, New York, New York, counsel for the General Counsel.

JOSEPH S. ROSENTHAL, ESQ.

Messrs. Friedlander, Gaines & Ruttenberg, 221 West 57th Street, New York, New York 10019, appearing on behalf of the Respondent.

JACK RUBINSTEIN

New York State Director, 99 University Place, New York, New York, appearing on behalf of the Charging Party.

[2] SY COHEN

602 Warren Street, Hudson, New York, appearing on behalf of the Charging Party.

• • • •

[11] TRIAL EXAMINER: On the record.

MR. GREEN: Will counsel for Respondent stipulate that General Counsel's Exhibits 2A through 2D for identification was sent and received by the company? By Mr. Rubinstein.

MR. ROSENTHAL: The company will acknowledge that we received the letters which you have marked 2A, B, C and D for identification. Of course, we must point out that the statements contained in those letters are in no way binding on us as being written by the Union.

I would also like to point out that I will stipulate only that we received those letters, not what they signify or state.

TRIAL EXAMINER: Very well.

Are you offering these letters?

MR. GREEN: I am offering these as General Counsel's Exhibits 2A through 2D.

TRIAL EXAMINER: General Counsel's 2A through 2D are admitted into evidence.

[12] (Thereupon, the documents heretofore marked General Counsel's Exhibits 2A-D for identification were received in evidence.)

TRIAL EXAMINER: Mr. Rosenthal, is there any response to the letters?

MR. ROSENTHAL: No written response, sir.

TRIAL EXAMINER: Very well.

• • • •

[22] JACK MUNOZ

a witness called by and on behalf of the General Counsel, having been duly sworn, testified as follows:

TRIAL EXAMINER: Be seated and give us your full name.

THE WITNESS: Jack Munoz.

TRIAL EXAMINER: Your address.

THE WITNESS: Neversink Drive R.D. 2, Port Jervis, New York.

DIRECT EXAMINATION

Q (By Mr. Green) By whom are you employed, Mr. Munoz?

A Skydyne, Incorporated.

Q Before Skydyne by whom were you employed?

A Wilder Manufacturing.

Q For how long were you employed by that company?

A Six years and two months.

Q As of October 12th were you employed at Wilder Manufacturing Company?

A I was, yes, till 10:30 in the morning.

Q In what capacity?

A Machine operator.

[23] Q Which department is that?

A On the machine, machine department.

Q When, if ever, did you cease working for Wilder?

A October 12th, last year.

Q When did you start—when, if ever, did you start working for Skydyne?

A March 7th this year.

Q What were you doing in the interim?

A I was picketting.

Q I wonder if you could describe the physical layout of the plant, of Wilder's plant, I'm sorry.

A We have the main office—

TRIAL EXAMINER: What is the purpose of that, Mr. Green?

MR. GREEN: I think for the purpose of unit we should spell out the physical layout, give us some idea.

TRIAL EXAMINER: As I understand the position of Mr. Rosenthal– I would like to have you correct me—the only objection he has to your unit is the fact that you have excluded plant clericals.

MR. GREEN: I don't think that—

MR. ROSENTHAL: Just a second. I think I will have to correct you. I did not mean to give that impression.

I do have another objection to the unit, sir, and that is that they have apparently excluded a group of employees whom they refer to as draftsmen. Now, I know which employees [24] they mean. I am not about to concede that these people are draftsmen in the usual sense of the word. However, it is our position that the individuals to whom the General Counsel refers most certainly should be included in any appropriate bargaining unit.

TRIAL EXAMINER: Very well, let's go off the record a minute.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

As I understand, Mr. Rosenthal, in any appropriate unit you agree that maintenance and production employees should be included.

MR. ROSENTHAL: That is correct.

TRIAL EXAMINER: All right, you may put in evidence in regard to—I take it also that you would not object to the exclusion, Mr. Rosenthal, of office clericals, guards and watchmen, professional employees and supervisors as defined in the Act?

MR. ROSENTHAL: That is correct, sir.

TRIAL EXAMINER: I will allow you to go into the question of whether plant clericals and draftsmen should be excluded, Mr. Green.

MRS. MORIO: Mr. Trial Examiner, could I just say this for the record—

TRIAL EXAMINER: Of course.

[25] MRS. MORIO: We would like to know if the Respondent is prepared to state how many people are office clericals for the record so it may be just a matter of numbers that we are discussing first off. When you say that we don't have to or we are limited to showing plant clericals—

TRIAL EXAMINER: Let's go off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

MR. ROSENTHAL: Mr. Examiner, in the off-the-record discussion the General Counsel and I reviewed the October 12th payroll list and we are prepared to stipulate with regard to the eligibility and ineligibility of various employees to be included in an appropriate unit.

At this point, however, I would like the reporter to mark for identification a list of 30 employees as Respondent's Exhibit 3.

(Thereupon, the document above described was marked Respondent's Exhibit 3 for identification.)

MR. ROSENTHAL: This is a list of all employees exclusive of the executive officers. It includes supervisors and office clericals as we will indicate. However, I think we should have some stipulation on the record that this does represent a list of employees as of October 12, 1965.

MR. GREEN: We will stipulate to that. This represents a payroll list of those employees working as of that date?

[26] MR. ROSENTHAL: On October 12, 1965, that is correct, with the exception of the executive officers. Everybody else is included on that list.

Now, I think the best way to handle this is just to go down the list and take each employee separately and indicate what our position is.

Roger Burcham both parties agree is a production employee included in the unit.

Dominick Caliciotti, also a production employee included in the unit.

There's a difference of opinion as to the status of Earl Clerk. The Respondent's position is that Earl Clark should be included, General Counsel's position is that he should be excluded.

Jean Clark, the parties agree, is an office clerical and excluded from the unit.

William DeGraw we have already stipulated is a supervisor and excluded from the unit.

James Ehre is a production employee included in the unit.

Yvonne Flannery and Carol Forbes are in conflict. The General Counsel maintains that both employees are ineligible to be included in the appropriate unit, the Respondent's position is that both of these employees should be included.

Frank Griffin, included, production employee.

[27] Shirley Hawkins, excluded, office clerical.

Helmut Hernsdorf, Fred Hicks, Irving Hughson, all three included as production employees.

Harold Lauer there is a conflict on. The Employer contends he should be included, the General Counsel excluded.

Harmon Masker, production employee, included.

Frank May, conflict. The Employer's position is that he should be included, General Counsel's position excluded.

Jack McCaslin we already stipulated is a supervisor and excluded.

The following employees are all included by consent of both parties as being production employees: Michael Malloy, Jack Munoz, Joseph Munoz, Arthur O'Hara, Don Shafer, Charles Shaw, Allen Smith; Patricia Somarelli excluded, office clerical, both parties agree, James Stempert included as a production employee.

Chester Swingle there is a conflict on. The Employer contends he should be included, the General Counsel contends he should be excluded.

Frank Tonkinson and Harold Vandermark, both included by consent of both parties as production employees.

James Wharton there is a conflict on. The Employer claims he should be included, the General Counsel excluded.

With that stipulation I offer into evidence Respondent's Exhibit 3.

[28] TRIAL EXAMINER: Is the stipulation acceptable to General Counsel?

MRS. MORIO: Mr. Trial Examiner, the stipulation as stated is acceptable by the General Counsel.

TRIAL EXAMINER: Mr. Rubinstein, is it acceptable to the Charging Party?

MR. RUBINSTEIN: It's accepted.

TRIAL EXAMINER: Hearing no objection to the admission of Respondent's Exhibit 3, Respondent's Exhibit 3 is admitted into evidence.

(The document heretofore marked Respondent's Exhibit 3 for identification was received in evidence.)

MR. GREEN: Mr. Trial Examiner, we would like to ask counsel for the Respondent for a stipulation with respect to the duties, functions, time, hours, rates of pay, supervision of the production and maintenance employees as compared to the people who we allege as draftsmen and those people whom we allege as office clericals. I don't think that—we believe that we have to make—

TRIAL EXAMINER: I do not think I would require the Respondent to answer a question of that character. It seems to me at this point the only issue which is open, the only issues which are open are the issues on unit, the issues with respect to those employees which the Respondent desires to [29] have included or excluded from the unit.

I would suggest that you proceed to put proof in in regard to the job duties of specific employees which appear on the list whom the Respondent either claims to be included or excluded and which is the difference between the Respondent's position and your position.

• • • •

[59] CONTINUED DIRECT EXAMINATION

Q (By Mr. Green) Mr. Munoz, do you know a man named William Hissam?

A Yes, I do.
Q Who is he?
A He's a representative of the Textile Workers Union of America.
Q When, if ever, did you first meet this Mr. Hissam?
A October 10, 1965.
Q Where did you meet him?
A My house.
Q Will you tell us briefly what happened at that meeting.
A Well, it was about 7:00 o'clock. He came up to my house and he said if we were interested in getting a union at Wilder, and I told him "Yes."
I told him the conditions at the shop and where each man worked, and we made an appointment for a meeting at his house on Monday night.
[60] First I said I'd have to ask the fellows if they wanted a union, so the following day I went to the plant and asked the fellows, and they said, "Yes," they would be interested in a meeting, so that night we had a meeting at Bill Hissam's house. That was October 11th.
Q Do you remember which employees attended that meeting?
A Yes.
Q Could you name them? State their names, please.
A Harold Vandermark, Charles Shaw, Mike Malloy, myself, Jack Munoz, Freddie Hicks, Art O'Hara, James Stempert, Dominick Caliciotti, Harmon Masker, Joseph Munoz.
Q Yourself?
A I already said.
TRIAL EXAMINER: Let's go off the record a second.

(Discussion off the record.)

TRIAL EXAMINER: On the record.
Q Do you know Michael Malloy?
A I mentioned Michael Malloy.
Q Was he present at that meeting?
A Yes, he was.
Q Will you describe for me what took place at that meeting.

A Well, first thing we did, we signed recognition cards.
MR. ROSENTHAL: Objection.
TRIAL EXAMINER: Overruled.
[61] MR. ROSENTHAL: Mr. Examiner, let me give my reason, as long as you are going to overrule me.
He is testifying as to what was written on a particular card, and I submit that is not the best evidence without the reproduction of the card itself.
TRIAL EXAMINER: I assume technically you are right.
Perhaps General Counsel should produce cards.
Q Mr. Munoz, why don't you sort of start from the begnning and tell us what you remember happened at that meeting. Why don't you just describe it.
A Got to Bill's house about 7:00 o'clock, all eleven of us, and sat down, started discussing conditions of the plant, the merit system, the pay, we wanted a fan put in one day because there was smoke all over the place, nothing was done about it, we weren't satisfied with wages, and especially the merit system.
Q What is that?
A A system if you come in late or sick they take it out of your vacation pay. We weren't satisfied with that.
MR. ROSENTHAL: I am going to object on the grounds that this is all hearsay and irrelevant.
TRIAL EXAMINER: I will allow his testimony to stand. It does not have much probative weight, I don't think.
Go ahead.

• • • •

[64] Q Mr. Munoz, did you sign a card for the Textile Workers Union of America?
A Yes.
Q Did you read the card before you signed it?
A Yes.
Q I show you General Counsel's Exhibit 4A for identification, ask you if that is your signature.
[65] A Yes.

Q I ask you to look at the date on the top right-hand corner. Is that the date you signed it?
A October 11, 1965, yes.
Q You mentioned that Bill Hissam handed out some cards. Are these the ones?
A Yes.
Q To whom did he hand it out, do you remember?
A Everyone who was at the meeting.
Q Did you sign it of your own free will?
A Yes, I did.
Q Were you told what this card was for?
A Recognition of the Union.
Q Will you describe what, if anything else, happened at that meeting. After you signed your card.
MR. GREEN: I offer General Counsel's Exhibit 4A into the record for evidence.
TRIAL EXAMINER: Is there any objection to the admission of General Counsel's 4A?
MR. ROSENTHAL: May I see it, please.
May I examine this witness?
TRIAL EXAMINER: Voir-dire, you may.

VOIR-DIRE EXAMINATION

Q (By Mr. Rosenthal) Mr. Munoz, in whose handwriting is the word Wilder Manufacturing, Inc.?
[66] A Mr. Hissam.
Q Mr. Hissam also write the date on here?
A I did.
Q When did you write the date on here?
A That night.
Q Before you signed it or after you signed it?
A Before.
TRIAL EXAMINER: Do I hear an objection?
MR. ROSENTHAL: No objection.
TRIAL EXAMINER: General Counsel 4A is admitted into evidence.

(The document heretofore marked General Counsel's Exhibit 4A for identification was received in evidence.)

Q (By Mr. Green) Mr. Munoz, could you tell us what, if anything else, was said at that meeting.
A We also signed a pad agreeing that—
MR. ROSENTHAL: Objection.
TRIAL EXAMINER: Just a minute.
Go ahead and finish your answer.
A We also signed a pad stating that that if we weren't recognized we would strike the next day.
MR. ROSENTHAL: I move the witness's answer be stricken, not the best evidence and irrelevant and immaterial.
TRIAL EXAMINER: I will let that part stand indicating that they signed a pad. The rest may be stricken.
[67] MR. GREEN: Will you please mark this as General Counsel's 5 for identification.

(Thereupon, the document above described was marked General Counsel's Exhibit 5 for identification.)

Q Mr. Munoz, you said you signed a pad. I show you General Counsel's Exhibit 5 for identification and ask you what this piece of paper is.
A That's the strike that we took, that's what we signed, if we didn't have recognition we would strike.
Q Is your signature on that any place?
A Yes, the third from the bottom.
Q The date on top, "10/11/65," is that the date you signed it?
A Yes, it is.
Q Did you see anybody else sign it?
A Yes.
Q Who?
A Most everybody. I saw everybody sign it.
Q What was the date they signed it?
A 10/11/65.
MR. GREEN: I offer this as General Counsel's Exhibit 5.

VOIR-DIRE EXAMINATION

Q (By Mr. Rosenthal) Mr. Munoz, is this your handwriting at the top of this document?
A No, it's not.
[68] Q Who wrote that?
A My brother, Joseph Munoz.
Q You signed this somewhere down the bottom, third from the last?
A That's right.
Q Did your brother take this around and have everybody sign it?
A No, it was passed around.
Q You did not physically witness that, did you?
A Yes, we were sitting at a table.
Q You saw each person sign something on the paper but you didn't observe them write their name on the paper?
A Yes, I did.
Q Where were you sitting?
A Right across on one side of the table.
Q There were eleven of you sitting around this table?
A That's right.
Q Where was Mr. Stempert sitting, for example, in relation to where you were sitting?
A I don't remember where he was sitting. That
Q You don't rember actually seeing him sign?
was eight months ago.
his name; is that correct? You don't know whether Mr. Stempert signed it—
A He must have signed it, it's on there, isn't it?
Q You did not see Mr. Stempert sign his name; is that cor- [69] rect?
A I saw him sign something, yes.
Q But you did not see him physically sign James E. Stempert, someone else may have done that and you would not know; is that correct?
A I doubt it.
MR. ROSENTHAL: I object to this document for anything other than Mr. Jack Munoz signed it and I have a further objection to the entire document on

the ground that it is irrelevant and immaterial to the issues in this case.
TRIAL EXAMINER: What is the purpose of your offer, Mr. Green?
MR. GREEN: Well, first of all, it is part of what happened at the meeting. Second of all, it goes into the element of non-coerced majority and we want to show that these people had that kind of feeling that they felt that they would strike if they had to.
TRIAL EXAMINER: Mr. Munoz, how did this matter come up, the signing of the paper? How did you come to sign it?
THE WITNESS: Well, we agreed.
TRIAL EXAMINER: What happened just before you agreed? What was the conversation?
THE WITNESS: After we signed the cards we signed that paper saying that we would strike if we weren't recognized.
TRIAL EXAMINER: Was there some discussion about it?
[70] THE WITNESS: Yes, we discussed it and we all agreed.
TRIAL EXAMINER: What was the discussion?
THE WITNESS: That we would strike if we weren't recognized.
TRIAL EXAMINER: Was there some kind of poll taken, a vote?
THE WITNESS: Yes, we did, we took a vote on it, hand vote.
TRIAL EXAMINER: Who was conducting the vote?
THE WITNESS: Bill Hissam.
TRIAL EXAMINER: Do you recall what he said?
THE WITNESS: No.
TRIAL EXAMINER: Do you recall any comments that were made about the strike?
THE WITNESS: Well, that if we weren't recognized we would strike, and then we took a vote on it and we all agreed.
TRIAL EXAMINER: Where did this meeting take place?
THE WITNESS: Bill Hissam's house.

TRIAL EXAMINER: I will overrule your objection and admit General Counsel's Exhibit 5.

(The document heretofore marked General Counsel's Exhibit 5 for identification was received in evidence.)

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

[71] TRIAL EXAMINER: On the record.

Q Mr. Munoz, prior to the signing of this piece of paper, prior to the time you signed this piece of paper was there any discussion of background at the plant, and any prior attempt—

MR. ROSENTHAL: Objection, irrelevant and immaterial.

TRIAL EXAMINER: What is the purpose of that question?

MR. GREEN: Well, Mr. Trial Examiner, you were asking the context in which this piece of paper was signed and I want to bring that out.

TRIAL EXAMINER: Very well, you may answer the question.

A Eight years ago—I wasn't working there at the time, but I got this from the fellows that were working there.

TRIAL EXAMINER: I want you to confine yourself to what was said at the meeting, nothing more or less.

A It was agreed that we would have to act fast, because about eight years ago they tried to get a union there and the company broke majority.

MR. ROSENTHAL: Objection, Mr. Examiner, this is highly prejudicial and irrelevant, and he is only repeating what somebody else told him.

TRIAL EXAMINER: The Trial Examiner understands that this is simply what happened at the meeting.

I will permit him to recite what happened at the meeting.

A The company broke the majority and they didn't get a union.

[72] MR. ROSENTHAL: I move that that be stricken, Mr. Examiner.

TRIAL EXAMINER: I will attach no probative value to it.

MR. GREEN: All we asked the question was in relationship to the context in which this was signed anyway. I certainly do not allege what happened eight years ago is 8(a)(1) conduct by the Respondent.

I offer this into evidence as General Counsel's Exhibit 5.

Q Mr. Munoz, the morning after this meeting did you go to work?

A Yes, I did.

Q Describe what happened that morning.

A I went to work about a quarter after 7:00, 7:30 Bill Hissam pulled into the parking lot, Wilder parking lot, and I went out to talk to him. He said that Mr. Cohen, Bill, were going to go in to see the Derses.

Q Then what did you do?

A I went back in the shop.

Q What happened when you got back in the shop?

A I went to work. I went to get a drink of water, and through the office door I saw Bill Hissam and Mr. Cohen.

Q After that what happened?

A About 10:20, 10:30 I got a telephone call from Bill Hissam.

[73] Q Describe what he said to you.

A He said that they didn't want to bargain or talk to us.

MR. ROSENTHAL: Objection.

TRIAL EXAMINER: Sustained.

The answer may be stricken.

Q What happened after that?

A After Bill Hissam's telephone call? He said we'd have to walk.

MR. GREEN: It has been objected to.

TRIAL EXAMINER: I overrule that objection.

Q Go ahead.

A All the fellows, we walked out, all eleven of us, took our cars from the parking lot. Sy Cohen handed us picket signs and we started picketing.

Q Which eleven walked out?
A The ones that were at that meeting that night and signed their names on the pad.
TRIAL EXAMINER: Did anyone else walk out besides those eleven?
THE WITNESS: Not right then, no, sir.
Q Were all these eleven production and maintenance employees?
A Yes.
Q Were there any employees at that time who walked out aside from the production and maintenance employees?
[74] A No, just the eleven.
Q Then what happened?
A Sy Cohen gave us signs and we started picketing.
Q What kind of signs?
A Around our neck, "ON STRIKE, WILDER MANUFACTURING COMPANY," the local, "1410, TEXTILE WORKERS OF AMERICA."
Q Where did you picket?
A The Wilder parking lot.
Q Which is about how far away from the front entrance, would you say?
A The front entrance?
Q Yes. How would you describe it?
A It's right on the side of the plant.
Q About how many feet?
A Well, the whole parking lot runs—starts at the end of the plant and runs all the way down.
TRIAL EXAMINER: Did all eleven of you picket?
THE WITNESS: Yes, sir.
Q By the way, as you go—
TRIAL EXAMINER: Excuse me.
How did you picket?
THE WITNESS: We walked in front of the parking lot.
TRIAL EXAMINER: All eleven of you?
THE WITNESS: Yes.
TRIAL EXAMINER: How long did you picket?

[75] THE WITNESS: That whole day.
TRIAL EXAMINER: What did the signs say?
THE WITNESS: What did it say?
TRIAL EXAMINER: What did the signs say?
THE WITNESS: "ON STRIKE, WILDER MANUFACTURING COMPANY, LOCAL 1410, TEXTILE WORKERS OF AMERICA."
Q Was everyone walking for the entire day or were there some breaks?
A Some rested and some walked.
Q Up until what time did everyone walk?
A That night?
Q No, from the time you walked out of the plant.
A Well, we took turns.
Q Right from the beginning, did eleven of you walk right from the very beginning?
A We all walked.
Q The first day?
A Yes, some rested and some walked. We split it up.
Q Was there some point where you split it up or did you split up from the beginning?
A No, at one point we split up.
Q One hour you all walked together, two hours, three hours?
A Yes.
Q Which one?
[76] A Three hours.
Q I wanted to ask you: If you drove a car into that street where the plant is is there more than one way to get into that plant, to drive a car into that plant?
A Yes, there's two ways.
Q From the front entrance is there a railroad track that goes—
A There's a railroad track.
Q You could not come past it that way?
A No.
TRIAL EXAMINER: At any time you were picketing did you see Mr. Derse?
THE WITNESS: Which one, sir?

TRIAL EXAMINER: The one who is sitting at the table.

THE WITNESS: Yes.

TRIAL EXAMINER: All right, go ahead.

Q Did you have any occasion to see any of the other brothers?

A Yes.

Q By the way, who are the brothers?

A Robert Derse, Arthur Derse, Jr., Walter Derse.

Q Let's take Arthur Derse, Jr. Was there any time during that day that you happened to see him?

A I saw him late that night.

Q Late that night?

[77] A I don't know the exact time, maybe 6:00, 7:00 o'clock.

Q When you saw him what was he, in a car, walking, what?

A He came in a car, he pulled up in his car, opened the trunk and took a suitcase out.

Q Suitcase out?

A Yes.

TRIAL EXAMINER: Does the Respondent claim it had no knowledge that eleven of its employees were picketing on that date?

MR. ROSENTHAL: My client advises me that we knew that eleven of our employees had walked out of the plant, but we did not know that all eleven were picketing and that should be established.

TRIAL EXAMINER: Very well, go ahead.

Q What kind of car would you say—what kind of car does Arthur Derse, Jr. drive?

A It was a Dodge.

Q Any particular color?

A It was a tan color.

Q What did he do when he drove it in?

A Backed in, went back, opened the trunk, took out the suitcase and went in the front entrance.

TRIAL EXAMINER: How many employees were on the picket line when he went through the picket line?

THE WITNESS: I don't remember right then, sir.

[78] TRIAL EXAMINER: All right, go ahead.

Q At about, I guess, between 5:00 and 6:00—did you notice anything else that night, was the plant lit up or—

A Yes, about 8:00 o'clock the Derses came back that night.

Q Which of them?

A All of them.

Q You saw all of them?

A Yes.

Q Where did they go?

A In the office.

Q How did you know they went into the office?

A Well, the lights were on in the front office.

Q Were the lights on in the rest of the plant?

A No.

Q It was dark in the rest of the plant?

A Yes.

Q Was it light out or dark out when they came back?

A Quite dark.

Q Was the floodlight on—

A Yes, floodlight on in the parking lot.

Q Until about what time that night did you picket to?

A I stayed until about 11:00 o'clock.

Q Do you know Arthur Derse, Sr.?

A Yes.

Q Did you see him that night?

[79] A Saw him that day.

Q That night.

A Yes.

Q About what time?

A About 8:00 o'clock, a little after, maybe.

TRIAL EXAMINER: When there were eleven of you on the picket line at any time did you see any of the Derse brothers?

THE WITNESS: Yes.

TRIAL EXAMINER: All right.

Q You mentioned you saw them at 8:00 o'clock. Did you see them leave? The Derses.

A Yes.

Q All of them?

A I guess so, yes.

MR. ROSENTHAL: Mr. Examiner, I think General Counsel should try not to lead the witness in sensitive areas. I think a question like that is improper.

TRIAL EXAMINER: I might say this, as I do occasionally, that obviously an individual has to make a decision about credibility of witnesses is helped very little by leading questions.

Q At the time you saw—well, at 8:00 o'clock, between 8:00 and 9:00, the time you saw all of the Derses, who, if anybody, besides yourself was on the picket line?

[80] A Art O'Hara was on the picket line.

Q What about the others?

A There was others, but I don't remember who they were.

Q Was that October?

A Yes, October.

Q About 8:00 o'clock were you standing outside?

A I was outside.

Q Do you recall if anybody else was standing outside?

A There were some in cars.

MR. ROSENTHAL: Objection, counsel is leading the witness again.

TRIAL EXAMINER: Sustained.

Q Did you go back to the plant the following morning?

A About 7:00 o'clock, 7:30.

Q What did you do then?

A I picketed.

Q Who, if anybody else, was there with you?

A There were the eleven of us plus Helmut Hernsdorf.

TRIAL EXAMINER: Who was the individual who was added to the picket line?

THE WITNESS: Helmut Hernsdorf was there.

TRIAL EXAMINER: Is he an employee of the company?

THE WITNESS: Yes, sir, he was.

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

[81] TRIAL EXAMINER: On the record.

You are speaking about the picket line on October 13th?

THE WITNESS: October 13th, yes, sir.

Q Twelve of you came down to the plant; is that correct?

A Yes.

Q What, if anything, did you do when you came down there?

A We picketed.

Q During the time you picketed that morning, which, if any, of the Derses did you see drive in?

A I saw Bob Derse, Walt Derse.

Q Please repeat that.

A Bob and Walt Derse.

TRIAL EXAMINER: Was Hernsdorf on the picket line at the time they drove in?

THE WITNESS: Yes.

Q How long thereafter did you picket? I mean, not that day.

A All the time till I went to work at Skydyne.

Q About how long was that?

A Five months.

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[84] Q What percentage of time did you, if you picketed, spend of those five months? You said you did not picket every day.

A I'd say 75 per cent of the time.

TRIAL EXAMINER: Was there some kind of schedule set up for pickets?

THE WITNESS: Yes, we took turns.

TRIAL EXAMINER: How often did you do duty?

THE WITNESS: Once a day, sometimes twice a day. Some- [85] times I was off on a Saturday or Sunday.

TRIAL EXAMINER: During the entire period did all of the 12 individuals continue to picket?

THE WITNESS: Pardon?

TRIAL EXAMINER: Did all of the 12 individuals continue to picket?

THE WITNESS: For the first two weeks I'd say, yes. Then we broke it down. We broke it down.
TRIAL EXAMINER: What do you mean, you broke it down?
THE WITNESS: Teams.
TRIAL EXAMINER: Teams?
THE WITNESS: Yes, groups.
TRIAL EXAMINER: Groups?
THE WITNESS: Yes.

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[108] JACK RUBINSTEIN

a witness called by and on behalf of the General Counsel, being duly sworn, testified as follows:

TRIAL EXAMINER: State your name.
THE WITNESS: My name is Jack Rubinstein.
TRIAL EXAMINER: And your address?
[109] THE WITNESS: My address is 99 University Place, New York City.
TRIAL EXAMINER: You may proceed, Mr. Green.

DIRECT EXAMINATION

Q (By Mr. Green) By whom are you employed, Mr. Rubinstein?
A I am employed by the Textile Workers Union of America as its New York State director.
Q How long have you been employed in that capacity or by that union?
A About 30 years.
Q How long in that capacity? That specific capacity.
A Since 1940.
Q Are you familiar with the Wilder Manufacturing Company?
A Yes, I'm familiar with it.
Q When did you first become familiar with that company?

A In the early part of October, about the 8th or 9th I was made aware of the fact that there was an interest on the part of the workers for joining the union.
MR. ROSENTHAL: Objection, move that the witness's answer be stricken as hearsay.
TRIAL EXAMINER: No, I will let it stand.
Go ahead.
Q Do you know a man named Walter Derse?
A Can't say I know him, I've seen him, talked to him once [110] or tried to.
Q Describe what happened on that particular occasion. When did it happen?
A On or about October the 25th. I came up to Port Jervis for the purpose of trying to meet some of the principals of the company to see if we could do something to settle the strike. I was standing alongside of the gate where the strikers picket tent was set up, and I talked with Mr. Hissam and Mr. Cohen and I said, "Is anyone in the plant," and they told me, "No."
They said—I was told that the management people were out for lunch.
Stood around a while, and then two or three people said, "There's Walter Derse coming now."
He drove through the gate, parked his car and at that time I said, "Let's go and see if we can talk to him."
Q By the way, can you pick out Walter Derse? Is he in this room?
A Yes, he's in this room right now.
Q Please point to him.
A This is the gentleman sitting over here to my left.
MR. GREEN: I would like the record to show that Mr. Rubinstein pointed to the man sitting next to counsel for the Respondent and identified him as Walter Derse.
Q Go ahead.
[111] A I approached Mr. Walter Derse and Mr. Sy Cohen and Hissam were with me. All three of us approached him.
I stepped up to Mr. Derse, and I said, "My name is Jack Rubinstein, and I represent the Textile Workers Union of America, and I would like to talk to you."

A little fumbling took place, and I said, "How about inviting me into your office?"

Mr. Derse says, "I can't talk to you."

I said, "How about recognizing our union?"

He said, "No comment."

With that he stuck his hand in his pocket and pulled out a little slip of paper and said, "These are my attorneys. Talk to them."

I said, "How about my talking to you?"

He shrugged his shoulders and said, "No comment."

After that he continued moving on, and the only way I could get to talk to him would be by grabbing him, and I knew that would be impolite, so the conversation ended.

Q That was all that was said?

A What?

Q That was all that was said?

A That was basically all that was said that I can remember at this moment.

MR. GREEN: Would you mark this for identification as General Counsel Exhibit 6 for identification.

[112] (Thereupon, the document above described was marked General Counsel's Exhibit 6 for identification.)

TRIAL EXAMINER: Did you contact the attorneys?

THE WITNESS: Tried to.

Q I show you General Counsel's 6 for identification. I ask you to identify it.

A Yes, this is a slip of paper that Mr. Derse gave me, but there is a little slip over it which I done some scribbling on the bottom, but this is the slip that was given me.

Q It was attached to a piece of paper?

A That's correct.

MR. GREEN: All right, I would like to introduce this as General Counsel Exhibit 6.

TRIAL EXAMINER: Did you state a definite date?

THE WITNESS: This day that I approached him that he handed me this, I think it was about the 25th of the month.

TRIAL EXAMINER: 25th of what month?

THE WITNESS: The strike took place. October, I believe it was.

TRIAL EXAMINER: Is this the demand you referred to in your complaint, paragraph 9?

MRS. MORIO: I'm sorry, Mr. Trial Examiner.

TRIAL EXAMINER: Is this the demand you referred to in your complaint as occurring on October 25th?

MRS. MORIO: That's right, Mr. Trial Examiner.

[113] TRIAL EXAMINER: Do you have any objection?

MR. ROSENTHAL: No objection.

TRIAL EXAMINER: Very well, General Counsel 6 is admitted.

(The document heretofore marked General Counsel Exhibit 6 for identification was received in evidence.)

Q Did you contact these attorneys?

A A day or two later I called the office of Friedlander, Gaines and Ruttenberg and I asked for Mr. Ruttenberg, and I said to him, "I'd like to get together with you to see if we can't settle this strike—" correction. I first identified myself to the party that answered the call and told him I was the representative of the Textile Workers Union of America, gave him my name, told him I was talking to him about the strike that was in progress at Port Jervis, New York at the Wilder Manufacturing Company, and expressed a desire to sit down and talk over a settlement of this whole situation.

He told me he was very busy and what's more he had not received any instructions from his client, and under the circumstances he didn't see any point in meeting. In addition to that he told me the company was very busy. I believe he made reference to a campaign of the taxi workers that was taking place then in New York.

Q Did this person identify himself to you?

[114] A I understood it to be Mr. Ruttenberg that I was talking to. I may have been mistaken, it may have been Mr. Rosenthal, I don't know.

Q Did you leave a number for him to call you?

A Yes, I left my number.
Q Did you ask him to call him back? Ask him to call you back.
A Yes, I didn't ask that way, I said, "If you learn anything please let me hear from you."
MR. ROSENTHAL: Can we have a few less leading questions? After all, you should not have to lead Mr. Rubinstein.
TRIAL EXAMINER: When a leading question is posed and you have an objection to it I would appreciate it if you state it at that time.
MR. ROSENTHAL: I anticipate another one.
Q When, if ever, did you have any further contact with any of the company attorneys?
A I think about sometime in November I again called. I then asked who was handling the Wilder case. I believe a Mr. Cohen answered the phone, and I again raised the question of the possibilities of getting down and sitting down and talking about a settlement, and he was very unresponsive. He said he didn't know what the company wanted to do, and I says, "When you find out let me know."
Q Did he mention anything else during that conversation?
[115] A I think there was some talk about having seen an advertisement in the newspaper in which my name had appeared.
Q Did he ever call you back?
A Never called me back, neither of the attorneys called me.

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[187] CHARLES LINCOLN SHAW

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Will you state your full name and your address?
THE WITNESS: Charles Lincoln Shaw, 12 First Street, Port Jervis, New York.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. Shaw, by whom are you employed?
A Wilder Manufacturing.
Q For how long have you been employed?
A About ten years.
Q About ten years?
A Yes.
Q In what capacity are you employed by that company?
[188] A Punch press operator.
Q Did you ever sign a card for the Textile Workers Union of America?
A That's right, I did.
Q I show you General Counsel's Exhibit 4-J for identification and ask you to identify that.
A It's my signature.
Q That is your signature?
A That's right.
Q What date is it? What is the date you signed it?
A October 11, 1965.
Q Is that in your handwriting? The date?
A It looks like it, yes.
MR. GREEN: I offer this card into evidence as General Counsel's Exhibit 4-J
TRIAL EXAMINER: Any objection to General Counsel's Exhibit 4-J?
MR. ROSENTHAL: The only other one you have is 4-A?
MR. GREEN: Yes.
MR. ROSENTHAL: Now you are making it 4-J?
MR. GREEN: It is for identification and the witness is called out of order.
MR. ROSENTHAL: No objection.
TRIAL EXAMINER: Very well, General Counsel's Exhibit 4-J is admitted in evidence.

[189] (Document heretofore marked General Counsel's Exhibit No. 4-J for identification was received in evidence.)

TRIAL EXAMINER: Do you have any other questions of this witness?

MR. GREEN: Yes.

Q Mr. Shaw, I show you General Counsel's Exhibit 5 for identification, ask you if your signature is on that?

A Yes, sir, right there.

Q Can you identify the exhibit?

A Yes, on strike.

Q When did you sign this piece of paper, Mr. Shaw?

A I believe it was over at Bill Hissam's house.

Q When?

A I don't remember the date.

Q The same day you signed the card?

MR. ROSENTHAL: Can we have the witness testify what day it is, please, and not the General Counsel?

TRIAL EXAMINER: Your objection is well taken. Mr. Green, I sustain the objection to the question.

Q What day did you sign this?

A Possibly the same day, I am not sure.

Q The same day as what?

A As the rest of the men signed it.

Q On October 12th did you go to the plant in the morning?

A Yes, I did.

[190] Q Will you describe what happened on that morning?

A Well, went to work.

Q Did anything happen later on that morning?

A Well, phone call come back to walk out, that's all I know.

Q What did you do?

A Walked out with the rest of the men.

Q When you got outside, what did you do?

A Put on picket signs and started picketing.

Q For how long did you picket?

A All day.

Q How long thereafter did you picket?

A I was there every day picketing.

Q For how long?

A All day.

Q Did you picket just one day?

A No, every day.

Q For how long.

A The whole day long.

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[251] DOMINICK CALICIOTTI

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Be seated. Give us your full name.

THE WITNESS: My name is Dominick Caliciotti, 1030 Graham Street, Matamoras, Pennsylvania.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. Caliciotti, as of October 12th by whom were you employed?

A I was employed by the Wilder Manufacturing Company.

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[251a] MR. GREEN: I would like to introduce this card as General Counsel's Exhibit 4-F.

TRIAL EXAMINER: Any objection to the admission of [252] General Counsel's Exhibit 4-F?

MR. ROSENTHAL: No objection.

TRIAL EXAMINER: Very well, General Counsel's Exhibit 4-F is admitted into evidence.

(Document heretofore marked General Counsel's Exhibit No. 4-F for identification was received in evidence.)

Q (By Mr. Green) Where did you sign General Counsel's Exhibit 4-F? Where did you sign this card?

A The card?

Q Where? Where did you sign it?

A Right here.

TRIAL EXAMINER: He would like to know the place.

A Bill Hissam's home.

Q I show you General Counsel's Exhibit 5 in evidence, ask you if—ask you to identify what that is. Is your signature on that?

A Yes.

Q Did you sign this?

A There's my signature here and I signed it.

Q When did you sign this?

A I think if I'm not mistaken, it was around February sometime.

Q February?

Read it over carefully.

[253] A No, this is the night of the strike, that we had the strike over there.

TRIAL EXAMINER: Did you sign it before the strike commenced or after the strike commenced?

THE WITNESS: After—no, before, the day before.

Q (By Mr. Green) The day before?

A The day before.

Q Mr. Caliciotti, did you go to work on—did you go in to work on the morning of October 12th?

A Well, on October 12th, this—the man from the union, they went in the office and asking for the recognition for the union, and, of course, we all agreed if it was nothing done about it that we was to walk out.

Q What happened?

A Well, at ten—between ten-thirty and ten-forty, I would say, we got word that there was nothing done about it, so we all walked out of the plant.

Q What did you do when you walked out?

A Did you say what time?

Q No, what did you say at the time?

A Well, we checked out, naturally we walked out and went out on the street.

Q What did you do on the street when you got outside?

A We started picketing on the front of the property, on the sidewalk over there.

[254] Q For how long that day did you picket?

A Well, I picketed all the way through until about five, or maybe ten after five, in that neighborhood, and then I went home for supper.

TRIAL EXAMINER: Who else picketed with you?

THE WITNESS: Well, mostly all the men who was with us at that time, probably with the exception of maybe two or three fellows that might have went out for their supper before that.

Q (By Mr. Green) What time are you talking about?

TRIAL EXAMINER: When you first went out and commenced picketing, how many employees were on the picket line?

THE WITNESS: I am pretty sure it was fourteen.

Q I show you General Counsel's Exhibit 5 and ask you whether or not the names listed in General Counsel's Exhibit 5 were the people who walked out with you on October 12th?

MR. ROSENTHAL: I object, the witness has not exhausted his recall yet, and this should not be shown to him for the purpose of refreshing his recollection yet.

TRIAL EXAMINER: I agree with the respondent. The objection is sustained.

Q Mr. Caliciotti, can you name the people who walked out with you on October 12th, the people who walked out?

A You want the names of the people that went out—

[255] TRIAL EXAMINER: Could you also tell us whether or not the individual name was on the picket line immediately after he left the plant.

THE WITNESS: Well, there was Jack Munoz, Joe Munoz, myself, Charley Shaw, James Stempert, Michael Molloy, Harold Vandermark, Arthur O'Hara.

Q (By Mr. Green) Did James Ehre go out?

A Ehre and Hicks.

Q What did they do when they got outside?

A Oh, just started walking back and forth. Just about that time there was some trucks that came in there, and we were just walking across the picket line.

Q Were they carrying anything or wearing anything?

A No, we were just walking back and forth on the picket line. We had probably two feet, three feet, it was in between each other on the line. That's all I could say.

Q Did you have any signs? Do you recall having any signs with you?

A Yes.

Q What kind of signs were they?

A Well, we had signs about the labor union, the CIO and where the strike was at Wilder Manufacturing Company.

Q All these—we asked.

How long that day did you picket?

A That day or afterwards?

[256] Q That day.

A That day I picketed until, as I said, about a quarter after five, until I went home for supper, and then I come back an hour, I'd say an hour and a half afterwards.

TRIAL EXAMINER: Mr. Caliciotti, you named eleven individuals who were on the picket line when you first started picketing. How long did those eleven individuals continue to picket as a group. If you know?

THE WITNESS: First day?

TRIAL EXAMINER: Yes, first day.

THE WITNESS: Well, as a group of mostly up until about five o'clock, a little before. I would say just exactly all eleven men were out there, then maybe all—maybe a couple leave to have a bite to eat and then someone else will go when they come back. Then after I came back I was there until about, I would say, eleven o'clock that night.

TRIAL EXAMINER: When you were on the picket line with the ten other employees, did you at any time see any of the Derses?

THE WITNESS: I saw them in the morning, naturally, when we went to work, and then I saw them, some of them, when they went home, and then I—

TRIAL EXAMINER: Were you on the picket line at that time?

[257] THE WITNESS: I was on the picket line at the time that they were all in. That was about six-thirty or seven o'clock when they were all in. That's four, Mr. Arthur, Senior, Junior, Walter and Bob. They were there about seven o'clock.

TRIAL EXAMINER: Did they go through the picket line?

THE WITNESS: No, they went through the front office there. I wouldn't say they went through the picket line or not.

TRIAL EXAMINER: How far was that from where the picket line was conducted?

THE WITNESS: Twenty-five feet away from where we were.

TRIAL EXAMINER: Had you seen any of the four before that, while you were on the picket line earlier in the day?

THE WITNESS: Well, during the day I happened to see or glance to Bob when he went home for dinner, Walter the same way, but I didn't see Arthur until around seven o'clock that night.

TRIAL EXAMINER: Did you see McCaslin?

THE WITNESS: Yes, I saw him when he left to go home from work.

TRIAL EXAMINER: Did you see him at the other time during the day when you were on the picket line?

THE WITNESS: When he used to go back and forth, that's the only time I saw him.

[258] TRIAL EXAMINER: Would you say you saw him in the window?

THE WITNESS: There's a men's room there and a window open. Naturally when they went in the men's room they peek out through the open window.

TRIAL EXAMINER: What did you see him doing

THE WITNESS: Beg pardon?

TRIAL EXAMINER: When he—

THE WITNESS: You have to talk a little louder.

TRIAL EXAMINER: When he was at the window what did you see him doing?

THE WITNESS: They went in there to drink.

TRIAL EXAMINER: At the window, you said you saw him at the window, what was he doing when he was at the window?

MR. ROSENTHAL: Excuse me, Mr. Examiner, we got some witnesses who just walked in the room.

MR. HISSAM: He's testifying.

MR. GREEN: The first one we called. The second one I don't know who he is.

TRIAL EXAMINER: Let's go off the record for a minute.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

We were talking about Mr. McCaslin. While you were on the picket line did you see him at any time during the first day?

[259] THE WITNESS: Not morning when I went to work.

TRIAL EXAMINER: When you were on the picket line?

THE WITNESS: When I was on the picket line, as I said, I saw him going through to the bathroom, to the men's room.

TRIAL EXAMINER: Very well.

Which way was he looking when you saw him?

THE WITNESS: Eight months ago. Hard to say just which way he was looking. I don't know.

TRIAL EXAMINER: Was he looking towards the picket line?

THE WITNESS: Well, he did look out towards the picket line, yes, he did, through the open window.

TRIAL EXAMINER: Very well.

I do not think it is necessary to put any more evidence in respect to the fact there were eleven men on the picket line on October 12th, and that they were in a position where the supervision and the management could have seen them and apparently did see them, since they were in the vicinity.

I do not want any more evidence on this subject.

Q (By Mr. Green) Mr. Trial Examiner, there is an additional man, Helmut Herrnsdord.

TRIAL EXAMINER: It already got cumulative evidence on the subject.

MRS. MORIO: Mr. Trial Examiner, there is or will be [260] in issue the presence of one of the Derses at the plant on that day.

Now, several of the employees have testified—have told us that they saw this particular individual. We are not going to, if you feel the record is cumulative, at this

point, put on witnesses that all eleven of them were there that day. We would like at a point when they were there that particular day on the picket line they did observe one Derse.

MR. ROSENTHAL: Which allegation is this?

MRS. MORIO: The refusal of the company to bargain.

TRIAL EXAMINER: It seems to me the present state of the record to put on any more evidence with regard to the fact that there were any more individuals on the picket line on October 12th, and they were in a position where they would have been seen by the management, and the management was in a position to see them, would be cumulative.

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[261] Q (By Mr. Green) After this first day for how long did you picket?

A Well, I picketed until March the 11th, except for probably a few days that I was home sick, and, of course, on December 22nd that I was on the picket line a truck come in, which the truck struck me and knocked me down on the Derses' property from the sidewalk.

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[270] REDIRECT EXAMINATION

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[273] Q On October 13th, say nine o'clock—not nine o'clock, October 13th, when you started picketing, did you have occasion to see any of the Derses drive by the picket line in the morning?

[274] A We saw them drive in.

Q Which ones?

A Well, Walt and Art and Bob and Arthur, Senior.

Q Who is Art? Is Art Derse Arthur Derse?

A Arthur Derse, Senior, and Arthur Derse Junior.

Q I wish you would call Senior "Pop."

A All right.

Q At the time Walter Derse drove in about how many people were on the picket line?

MR. ROSENTHAL: Objection. What time he came, if at all.

TRIAL EXAMINER: I will allow the question.

Go ahead.

Q (By Mr. Green) You say you saw Walter Derse drive in?

A Yes.

Q When he drove in about how many people would you say or would you estimate were on the picket line?

A The majority of the men were on the picket line. How many I cannot state.

Q If you can recall, did any of the Derses drive in prior to nine o'clock on October 13th? If you remember.

A No, none of them went inside the property, only in front of the office.

Q None of them went inside the property?

I am not sure I understand what you are telling me. I [275] withdraw the question.

Did you see any of the other Derses come in that morning to work?

A Yes.

Q Who?

A Well, first I believe Walt was the first one that came in.

Q Go ahead.

A Then I believe it was Bob came in afterwards. How long in between I don't know.

Q Yes.

A And then Arthur, Junior, he come in, and I believe Pop, as you wanted to say, he was the last one to come in.

TRIAL EXAMINER: Now, I think I heard enough evidence on the Derses going in and out of the plant, and as the records stands the Trial Examiner can only find that picketing went on in front of the plant for a number of weeks and that the company operated normally and its normal operations were the Derses going in and out of the plant to the office. Any other evidence is cumulative. Unless there is evidence to the contrary it's—the Trial Examiner will probably so find.

MR. GREEN: We have no more questions at this time.

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[293] WILLIAM HISSAM

A witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: State your name, please.

THE WITNESS: My name is William Hissam.

TRIAL EXAMINER: Your address?

THE WITNESS: My address is 707 Pennsylvania Avenue, [294] Matamoras, Pennsylvania.

DIRECT EXAMINATION

Q (By Mr. Green) By whom are you employed?

A Textile Workers of America.

Q In what capacity?

A Representative.

Q For how long have you been employed by the Textile Workers of America?

A Approximately a year and ten months.

Q Are you familiar with the Wilder Manufacturing Company?

A I am.

Q How did you first become familiar with this company?

A I first became familiar with this company it was a strike at Skydyne Corporation, Port Jervis, New York, and some of the fellows told me that some of the fellows at Wiler are interested in a union.

MR. ROSENTHAL: Objection.

MR. GREEN: This is merely preliminary.

TRIAL EXAMINER: I will allow it for background. I do not think it is introduced for the truth of how he got in.

Q (By Mr. Green) Go on.

A Later I contacted a mutual friend of mine that works in A and W, who knew some of the fellows that worked there, and he told me that he would introduce me to some of the fellows, at which time, around Octo-

ber 9th, I went over to [295] his house and there I met Jack Munoz and later we went to Jack Munoz's house where I met Joe Munoz.

We discussed the situation there, they discussed what the problems were, how many people they thought would be interested in the union, and I told them that—I asked them if they wanted to set the cards up in the shop or have a meeting, and he said he would rather have a meeting, and let everybody decide at one time, rather than have him make the decision to issue cards in the shop.

So we set a date up for October 11th, at noontime, and he was supposed to call me to let me know whether we would have a meeting that night between seven and Seven-thirty, of the employees, and he would let me know what was coming.

Q Get down to the meeting. You—did you hold the meeting at your house?

A I held the meeting at my house at seven-thirty that night.

TRIAL EXAMINER: What date was it?

THE WITNESS: October 11th.

Q Who was present?

A Present at that meeting was Joe Munoz, Jack Munoz, Charley Shaw, Dominick Caliciotto, Harmon Masker, Harold Vandermark, Mike Malloy, James Stempert, James Ehre and—

Q Was Fred Hicks there?

[296] A Fred Hicks.

Q That's ten.

A There's one more missing.

Q Arthur O'Hara?

A Yes.

Q What happened at that meeting?

A At that meeting there was—

TRIAL EXAMINER: Excuse me, before you answer the question.

Were you the only union representative present?

THE WITNESS: I was.

TRIAL EXAMINER: Go ahead.

Q (By Mr. Green) Describe what happened at that meeting.

A At that meeting the guys told me what their gripes were and that they needed a union, and I told them the only way they could possibly get a union is with union cards, which I put on the table and they signed.

They passed them from one to the other and signed them.

Q Did you—

MR. ROSENTHAL: Objection. The question, I know, is going to be leading. Before you get it out of you month, I am going to object before the damage is done.

Ask him what happened, not did something happen.

Q Describe what happened.

[297] A We told—all of the men signed cards. I got eleven cards back, picked the cards up off the table, I put them in my briefcase.

They then told me that attempts before, seven or eight years before, to get a union in, and they didn't want the same thing to happen again—

MR. ROSENTHAL: Objection as to what they told him happened seven or eight years before.

TRIAL EXAMINER: I am not accepting it as the truth of the matter, but I accept it simply as what transpired at this meeting, this organizational meeting.

I will allow it to stand.

THE WITNESS: And that—

TRIAL EXAMINER: I might add that it would also be indicative of the intent of the parties in signing the cards and also signing the document that was signed at that meeting.

Go ahead.

THE WITNESS: They told me that there had been a prior attempt to organize the plant seven or eight years ago and that there had been raises given out which destroyed the majority, and they didn't want this to happen again.

TRIAL EXAMINER: Mr. Examiner, I move that this be stricken. He is using "they." I don't know whether it is an editorial "they" or real "they."

[298] TRIAL EXAMINER: You have an objection on the grounds that he is not identifying the person?

MR. ROSENTHAL: Correct, and I object on the grounds that this is purely hearsay to begin with, we have no substantiation for this, and I think to permit this to get into the record is highly prejudicial to the interests of my client, and I move that all reference to this be stricken and physically expunged from the record.

TRIAL EXAMINER: I think your objection is well taken with regards to the identification of the speakers at the meeting, but it sems to me that this is material to indicate that the employees had a motive and purpose and did perhaps sign the cards, and the exhibit which indicated they were willing to go on strike if they weren't recognized at their own free will.

Q (By Mr. Green) Mr. Hissam, who if anyone, told you about this?

TRIAL EXAMINER: When you refer to the remarks of any individuals that was made at the meeting, would you identify the individuals?

THE WITNESS: Yes.

Dominick Caliciotti told me that he was there at the time.

Now, I don't know if Charley Shaw was or not, I think he was, though, and they talked it over, what happened [299] before, and—should I go on from that point of view?

TRIAL EXAMINER: Tell us. Answer the question. The question was what transpired at the meeting. Could you tell us what transpired, what was said, who said it, what the various people who were present did, if you saw them do it.

THE WITNESS: So, I told them, I said, "There's two ways that we could do it, we could take an election, which would take a little time," and they said they didn't want the time.

When I say "they" I mean everybody.

MR. ROSENTHAL: Move that it be stricken.

TRIAL EXAMINER: Can you identify any one who said that?

THE WITNESS: Any one that said it?

TRIAL EXAMINER: They didn't want an election?

THE WITNESS: I know Shaw was in that group, there was Dominick, there was Munoz, I think Jack Munoz and a few of the others. I don't know who the rest of them were, but they were all talking in general that they did not want this to happen, and I told them, I said, "Well, the only other way you can do it is if the cards represent the majority, let me go and ask for recognition."

If they didn't get recognition and "you don't want this to happen again, the only thing is to go out on strike if you want the union as the bargaining agent." [300] They said they would do this.

As a matter of fact, I took a hand-raise vote on it and it was unanimous. I said I would like to have it in writing, at which time Joe Munoz wrote the stipulation out, and it was passed around the room and the fellows signed it.

Q I show you General Counsel's Exhibit 5. Is this the stipulation you refer to?

A Yes, that is the stipulation.

Q Go ahead.

You said before that the men at that meeting signed cards. I show you General Counsel's Exhibit 4-L. You observe—

MR. ROSENTHAL: Objection, the question is again going to be leading. Ask him what it is.

TRIAL EXAMINER: You have a card in your hand. What is it?

THE WITNESS: This is a union membership card signed by Michael Malloy, which I saw Mike sign this card myself.

As a matter of fact, Mike was to my right. I was standing up in position to see him sign this card.

Q (By Mr. Green) What is this on the bottom left-hand corner?

A On the bottom I initialed where I saw him sign the card.

[301] Q What date?

A It was done on October 11th.
Q Very well.
I show you General Counsel's Exhibit 4-M.
A This is Arthur O'Hara, this is also a membership card and this was also signed in my presence and my initials are on it.
Q I show you General Counsel's Exhibit 4-N, ask you to identify it.
A This is Joseph Muniz. This is also a membership card signed by him and signed on the same night at my home, in my presence.
Q What is this on the left-hand corner?
TRIAL EXAMINER: You say in your presence. When you say that do you mean you saw him signing it?
THE WITNESS: I was standing and the rest of them were sitting. I could see all of them sign their cards.
As a matter of fact, Mike Malloy was standing—sitting as close as him and I are at the table. I was standing at the corner of the table and he was sitting on the end of the table.
Q (By Mr. Green) By the way, where were all these people in your house?
A In my dining room.
Q How big—would you describe your dining room?
A My dining room is approximately eleven by thirteen.
Q Feet?
[302] A Feet.
Q Where were they sitting?
A They were sitting around my diningroom table.
Q Chairs?
A I have chairs around my diningroom table.
Q Where were you?
A I was standing by the buffet on the corner of the table—at the corner of the table.
Q I show you General Counsel's Exhibit 4-B, ask you to identify it.
A This is James Ehre, it's also membership card to which—Jim was sitting a little bit back from the

table, in which he leaned up on the table and signed the card.
Q What is this on the left-hand corner?
A Also my initials in the left-hand corner.
TRIAL EXAMINER: Did you see him sign the card?
THE WITNESS: Yes, I was sitting—I got a table six feet long and about three and a half feet wide, and Jim leaned up on the table and signed the card.
Q (By Mr. Green) I shown you General Counsel's Exhibit 4-C, ask you to identify it.
A This is a card signed by Fred Hicks. It's a membership card signed by Fred Hicks on the same night, October 11th at my home. It's also got my initials on to it.
Q Did you see—
[303] Yes, I saw Fred Hicks sign that card.
Q I show you General Counsel's Exhibit 4 for Identification, ask you to identify it.
A This is James Stempert's membership card which he signed at my house which I saw him sign. This was during which the cards were going around the table.
Q What is that in the left-hand corner?
A My initials were also in the left-hand corner where I saw him sign it.
Q I show you General Counsel's Exhibit 4-E, ask you to identify it.
A This is Harold Vandermark's card, signed it at the same time, he was on the opposite—he was two seats down when he signed the card. My initials are also on that card.
TRIAL EXAMINER: Did you see the card signed?
THE WITNESS: I saw the card signed.
Q (By Mr. Green) I show you General Counsel's Exhibit 4-H and asked you to identify it.
A This is Herman B. Masker's card. It was signed the same night at my house with this membership card, and I also saw Herman sign that card.
Q What is on the bottom?
A On the bottom left-hand corner I initialed.

MR. GREEN: I am going to offer these cards into evidence as General Counsel's Exhibits 4-L, 4-M, 4-N, 4-B, [304] 4-C, 4-D, 4-E and 4-H.

TRIAL EXAMINER: Have you interrogated him with respect to 4-F and 4-J?

MR. GREEN: I think those are already in.

TRIAL EXAMINER: Well, I would suggest you interrogate him about those. We have him on the stand, so we do not have to call him back when he leaves if you have problems about the admissibility of those cards.

I want to avoid the possibility of needing to grant a continuance later on in the event these cards are not deemed admissible, at least we will have the evidence of a witness on the subject, so will you interrogate him as to those cards?

Q (By Mr. Green) I show you General Counsel's 4-J and ask you to identify it.

A This is a card signed by Charles Shaw, a membership card and also got my initials in the corner, and I also saw Charles Shaw sign this card.

Q I show you General Counsel's Exhibit 4-F, ask you to identify it.

A This is Dominick Caliciotti's membership card, my initials are on this card. I also saw Dominick Caliciotti sign this card.

TRIAL EXAMINER: May I have copies of the exhibits you are now offering?

[305] MR. ROSENTHAL: And the originals, Mr. Green?

MR. GREEN: Oh, these two.

TRIAL EXAMINER: May I have the copies of the cards, please?

I would like to have the ones with the exhibit numbers, if I may.

MR. ROSENTHAL: You want the originals also, sir?

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

Q (By Mr. Green) I show you this card and ask you to identify it, General Counsel's 4-A.

A This is Jack Munoz. My initials are on it and I saw him sign this card.

Q When?

A October the 11th.

Q You say all these cards were signed in your presence?

A In my presence and in front of me.

Q On what date were they signed?

A All signed on October 11th in the evening.

Q Where?

A 707 Pennsylvania Avenue in my diningroom.

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[311] Q (By Mr. Green) Why don't you go on with the events that happened at that meeting?

A After the cards were signed I stated before that there [312] was talk about a union trying to get in before—

MR. ROSENTHAL: Mr. Examiner, now I object to any conversation between Mr. Hissam and the employees as irrelevant and immaterial, and the fact that the General Counsel is giving this witness free rein to testify at will does not affect the immateriality or the irrelevancies of the statement.

TRIAL EXAMINER: I will overrule your objection.

MR. GREEN: I withdraw the question.

Q (By Mr. Green) Why don't you describe what happened on the following day.

A On the following morning I went to the plant about seven-thirty, at which time I met Mr. Cohen there at the plant a little later, he came in a bit after I did, and we talked to a couple of the employees, seven-thirty, to tell them we was there and calling that morning.

MR. ROSENTHAL: I move that the witness' remark be stricken unless he identifies the employees.

MR. COHEN: I am going to have to testify about the same thing. May I be excused?

TRIAL EXAMINER: If you so desire, you may be excused. Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

I will grant the motion unless the parties are identified.

[313] Go ahead.

THE WITNESS: One of the parties that I talked to that morning was Jack Munoz and Harold Vandermark.

Q (By Mr. Green) Go ahead, you know.

A And we asked them what time the Derses come in. They said Walter comes in at about a quarter to nine, as a rule.

We went back at a quarter to nine, and Walter Derse walked into the vestibule, or whatever you call it up there. We asked the girl if Walter Derse was in or Mr. Arthur Derse was in, and neither one was in, and we waited there five or ten minutes.

Then we decided to go out for awhile.

We went out and we came back around, oh, approximately nine-thirty, and we went in again and asked for either Arthur Derse, Senior, or Walter Derse, and at this time they weren't in yet, so we sat in the car, a light color car, a guy walked out on the side of—in the meantime the girl told us that she expected Walter Derse in any moment, so we waited a couple of minutes, walked inside and asked if Walter Derse was in.

They said, "Yes, he just came in."

Q What time was this?

A About twenty minutes to ten, give or take.

Q Go on.

A And Walter Derse came to the vestibule, room there, [314] opened the door and Mr. Cohen introduced us to him, both of us to Mr. Derse, and told Mr. Derse we would like to see him in the office, and Mr. Derse took us from there into the office, and when we got to the office we told Mr. Derse we represented a majority of the people—

MR. ROSENTHAL: Objection.

THE WITNESS: —of his production and maintenance employees.

MR. ROSENTHAL: Objection.

Again I have no question to object to, but the witness is testifying with the word "we." Did both of you talk in unison, harmony, or who?

TRIAL EXAMINER: Mr. Hissam, will you state who made the statements, what the statements were?

THE WITNESS: Mr. Cohen did most of the talking.

TRIAL EXAMINER: Did you say anything?

THE WITNESS: Yes, I—later on in the conversation, yes.

TRIAL EXAMINER: All right, go ahead. Tell us what happened.

THE WITNESS: Mr. Cohen—

Q (By Mr. Green) Tell us what Mr. Cohen said.

A Mr. Cohen told Mr. Derse that—well, first off he asked him—told him we represented a majority of the production and maintenance employees, and asked him if it was [315] possible for a committee to come in because we had a committee designated to come in to see him.

He denied the committee.

TRIAL EXAMINER: What did he say?

THE WITNESS: He said that he wouldn't call anybody out of the production office into his office, out of the production plant.

So he walked out of the office.

Just as we walked in the door Mr. Cohen put the cards on the table, the thirteen—put the eleven membership cards that were signed and there was two more cards with it, which I gave him before, and Mr. Derse picked these cards up and started going through these cards, and—

Q (By Mr. Green) Mr. Derse picked these cards up?

A Yes, he picked these cards up, started going through them one by one.

Meantime Mr. Cohen was talking to him about the relationship that we have with the other plants and the town, good relations was between the other plants, and when Mr. Derse come down approximately half way through the cards, he lay one card off to his left and he went on down through the cards looking at them and laid another one off, the last one off.

Finally he asked Mr. Cohen, "What are these two cards?"

Mr. Cohen said, "We anticipate two more people to sign [316] cards."

Q Did you see what those cards were?

A Those cards were blanks.

Mr. Derse then said that he would not—this was too big a decision for him to make by himself. He said he would have to talk to the rest of the family because it was a family deal and that his one brother was in Atlantic City and it was impossible to get ahold of him, so Mr. Cohen said—asked him what time he was coming back. He said, "I don't know, he might be back any day, he might be back in two days, I don't know when he'll be back."

Mr. Cohen said, "Is there any possibility of getting in touch with him today?"

He said, "There's no possibility of getting in touch with him today. It's not important enough to bring him back from Atlantic City."

This conversation carried on between Mr. Derse.

In the meantime while we were talking with Mr. Derse, he was going through the cards in a fan-like fashion looking through them again and this took approximately about a half hour, give or take a few minutes, so before he left I asked if I could see Jack Munoz, and Mr. Derse said he would not call Jack Munoz into the office.

We asked—I didn't ask him, Mr. Cohen asked him then [317] if it was possible to get Jack Munoz on the intercom, the plant's phone.

He said he would not get Mr. Munoz on the plant's phone.

Mr. Cohen asked him if we called on the outside could Mr. Munoz answer the phone?

He said "you go and then we'll see."

So, by that Mr. Cohen and I went out to the car, got in the car—

Q About what time was that?

TRIAL EXAMINER: Mr. Hissman, before you leave this particular conversation, could you tell me

what either you or Mr. Cohen said when you first saw Mr. Derse on this occasion? What was said to him by you?

THE WITNESS: After we introduced ourselves, got into the office?

TRIAL EXAMINER: Yes.

THE WITNESS: The first thing, before we actually got into the office, Mr. Derse and Mr. Cohen were talking on the way in, and just as we got to the door, Mr. Cohen told Mr. Derse that we held a majority of the production and maintenance employees, had the majority signed up and would like to be the bargaining agents for the production and maintenance employees.

TRIAL EXAMINER: Very well. What was Mr. Derse's [318] answer to that, if anything?

THE WITNESS: He didn't give an answer. We walked in and sat down. Mr. Cohen put the cards on the table. Mr. Derse picked them up and looked at them.

The only time he gave us an answer was that it was too big of a problem for him to decide, he was only one of the corporation, he had to talk to the rest of the family before he could make any decisions.

TRIAL EXAMINER: Very well.

Q (By Mr. Green) Are these cards you speak about the cards identified as General Counsel's Exhibit 4?

A Yes.

Q The ones that were signed—

A The ones that were signed the preceding night.

Q Were there any other cards in there?

A There was two other blanks.

TRIAL EXAMINER: How many cards did you have in your possession that you laid on the desk?

THE WITNESS: Laid eleven cards and two blank cards, thirteen cards altogther total.

Q Who had them?

A Mr. Cohen had them when we walked in.

Q All right.

About—after you asked to see Jack Munoz, what happened?

[319] A Well, we left the plant.

Q About what time is this?
A Approximately a quarter after ten.
Q During this—
A Thereabouts.
Q A quarter after ten?
A We went from there up to the phone booths where I called—Mr. Cohen called my Regional Director to talk to him. Then I made a phone call back to the plant to Jack Munoz.

And I told Jack the company was giving us a stall, that they didn't think that the boys would all go. But before this, starting this call back to the plant, a girl answered the phone and said to me, "Is this an emergency?"

I said, "I think so." And meantime I could hear one click on the line, and Jack picked the phone up on the other side, I said, "Jack, someone is listening."

With that the phone went back down again.

Q What did you hear?
A Like the clicks of a phone, someone is possibly listening. The minute I mentioned it to him, they hung back down again.

I told Jack then that they wouldn't sit down with us—

MR. ROSENTHAL: I am going to object to whatever his [320] conversation was with Mr. Munoz.

TRIAL EXAMINER: In view of the fact that there is some question as to whether the employees joined the picket line of their own free will, I think I will allow this conversation, but only for that purpose.

THE WITNESS: So I told Jack that the boss—that they wouldn't sit down with us and give us a definite date, and he might as well walk.

By that I hung the phone up and took Mr. Cohen's car back to the plant.

He still stayed there, he had another call to make.

When I got back to the plant the people were already out the door and coming out to the highway and asked me what to do.

I told them, "Take your cars out of the parking lot."

They took their cars out of the parking lot and we started picketing immediately.

We always have strike signs made up, say "On Strike," got a blank, says, "Textile Workers Union of America," blank after the Local.

Q Who was picketing?
A The eleven men that came out of the plant.
Q All right, go ahead.
A I was out there, oh, about two or three minutes picketing when a truckman come by and I turned around and went [321] the other way.

About fifteen minutes after we was out there one of the fellows on the picket line told me, "There goes Pop Derse."

Q Excuse me, did you stay on the picket line the whole day?
A Yes, I did.
Q During the time that you were on the picket line, did you happen to see any of the Derses that day?
A Yes, I saw all of them go by that day.
Q Did you know all the Derses at the time?
A I did not know the Derses at the time, they were pointed out by the pickets.
Q What about Walter Derse?
A Walter Derse, I saw him inside. I knew Walter Derse.
Q What time did you see Arthur Derse, Jr.?
A Arthur Derse, Jr., I seen between five-thirty and six-thirty, some place in there he come back to the plant, he backed up to the front door, took some kind of brown satchel, I don't know if briefcase or suitcase, out into the plant. He stayed roughly, I'd say, fifteen, twenty minutes and went out again.

TRIAL EXAMINER: When you were in the meeting with Walter Derse, is that who you were with?

THE WITNESS: Mr. Walter Derse.

[322] TRIAL EXAMINER: Did he indicate which one was in Atlantic City?

THE WITNESS: He said Arthur Derse, his brother.

TRIAL EXAMINER: Arthur Derse, Senior?

THE WITNESS: Junior.

TRIAL EXAMINER: Go ahead.

THE WITNESS: Then again that evening, sometime around eight o'clock, roughly, back came all four of the Derses in their own cars, the- came separately staggered in, and they were there until ten-thirty.

There was no lights on in the plant, just the office. I don't know what was going on, haven't the slightest idea.

Q (By Mr. Green) Did you—go ahead.

A We broke the picket line that night approximately, oh, about eleven, eleven-fifteen.

Q Did you—

TRIAL EXAMINER: Do you recall what street the pickets were on?

THE WITNESS: The pickets were on Mechanic Street, which actually where they were the parking lot is actually a continuance of Erie Street, and they were walking in front of the parking lot, so it was actually on the corner of Erie and Mechanic Street, if you want to look at it right.

[323] TRIAL EXAMINER: Were they picketing at the point where the production and maintenance employees entered the plant?

THE WITNESS: Yes.

TRIAL EXAMINER: While you were at the plant, did you observe that the employees who worked in the office area used a different entrance?

THE WITNESS: They used a different entrance, they used the front entrance. The fellows in the plant used the side entrance which faced Old Erie Street, the parking lot.

TRIAL EXAMINER: Which entrance did you observe the Derses using?

THE WITNESS: They used the front entrance.

TRIAL EXAMINER: Very well.

Q (By Mr. Green) About how far is that from the other entrance?

A Oh, I'd say roughly from the telephone pole going to the telephone pole, twenty-five—between twenty-five and thirty-five feet. I am not a judge of that distance.

TRIAL EXAMINER: Is it a fact that employees who would be going into the office entrance would have been required to go through the picket line to get into the building?

THE WITNESS: No, they would not be required to go through the picket line.

Q Did you picket any day thereafter?

[324] A I was on the picket lines generally for at least three and a half to four months every day.

Q Did you ever have occasion to meet with Walter Derse again?

A Yes, the day Mr. Rubenstein came up from New York. I was at the picket line and Mr. Derse—as a matter of fact, he come in and asked me if any of the Derses were in. I said no, they were all out to lunch. Mr. Sy Cohen was also there.

I said about ten minutes after Mr. Rubenstein came, who is my boss, Mr. Derse, Walter Derse, came in.

The three of us walked over to Mr. Derse—

Q Where?

A In the parking lot. At that time—as a matter of fact, the first—

Q Why don't you describe what happened that day?

A Okay.

Walter Derse pulled in through the picket line, and we walked up to him, and Mr. Rubenstein told Mr. Derse we would like to—introduced himself first as the Regional Director of New York State, gave his name to him and told him, he said, he asked if he could sit down—if Mr. Derse was ready to sit down and settle the situation.

Mr. Derse said, "I have no comment to make. If you want to know nothing." He said, "Contact my lawyers."

[325] He reached in his pocket, pulled out a piece of white paper, gave it to Mr. Rubenstein with his lawyer's name on it, and that was about the size of the conversation, because Mr. Derse walked away.

MR. GREEN: I have no further questions at this time.

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[402] HARMON MASKER

a witness called by and on behalf of the General Counsel, being duly sworn, testified as follows:

TRIAL EXAMINER: Be seated and give us your full name.

THE WITNESS: Harmon B. Masker.

TRIAL EXAMINER: Would you give us your address please.

THE WITNESS: Heatear's Hill, Matamoras, Pennsylvania.

TRIAL EXAMINER: Mr. Masker, you understand you are under oath?

THE WITNESS: Yes.

DIRECT EXAMINATION

Q (By Mr. Green) As of October 12, 1965 by whom were you employed?

A Wilder's Manufacturing.

Q Speak up.

A Wilder Manufacturing.

Q In what capacity were you employed by that company?

[403] A I was electric welder in heliarchy.

Q Mr. Masker, did you sign a card for the—Mr. Masker, how long had you been employed by Wilder Manufacturing Company?

A Approximately four and a half years.

Q Mr. Masker, did you sign a card for the Textile Workers Union of America?

A I did.

Q I show you General Counsel's Exhibit 4H and ask you if this is your signature.

A Yes, sir, it is.

Q On what date did you sign this card?

A I signed it on October 11th.

Q Mr. Masker, you stated you signed this on October 11th.

A Yes, sir.

Q Where did you sign this?

A At William Hissam's house.

Q About what time was that?

A It was approximately 7:00, 7:30.

Q Who else was present at Mr. Hissam's house?

A There was eleven of us plus Bill Hissam.

Q Would you please give us their names.

A There was Art O'Hara, Dominick Caliciotti, James Stempert, Jim Ehre, Jack Munoz, Joe Munoz, Charley Shaw, Mike Malloy.

[404] Q Was Fred Hicks there?

A Yes, Fred Hicks and myself.

Q Jim Stempert?

A Yes.

Q Harold Vandermark?

A Yes.

Q I want you to describe what happened at that meeting.

A Well, we all sat down at the table. There were some on the bench—

TRIAL EXAMINER: Is his testimony going to differ from that of the prior witnesses?

MR. GREEN: Well, I would like to develop what happened at this meeting with great detail. I think it is necessary.

TRIAL EXAMINER: All right, go ahead.

A We was all sitting around the table. Bill Hissam was standing at the far end, and we were talking about the conditions of the factory. One, we discussed about a petition we took up to have a fan installed and the other—

MR. ROSENTHAL: I object, this is irrelevant and immaterial, he is not identifying any speakers, and I think that conversations between these people are of no probative value in this proceeding.

MR. GREEN: Mr. Trial Examiner, I would like to develop what happened at that meeting. One, it is preliminary and [405] it is relevant to the issues.

TRIAL EXAMINER: Mr. Masker, would you, as near as you can remember, when you testify state the individuals who made the statements to which you are testifying.

I will overrule the objection. You may state what transpired at the meeting.

A Well, everybody was talking at one time. We was discussing this petition we took up to have a fan installed in the other welding shop. Now, to my knowledge everybody signed that petition and it was turned in to the office, and we never heard a thing about it after.

Then we talked about another statement or petition that we took up that—about starting to work at 7:00 o'clock in the morning. Well, that one went through, they left us work one year at 7:00 o'clock in the morning, but the following year before we could get another petition a notice come on the bulletin board that we would stay at our regular hour, and then we talked about the merit system, if you're out sick or late they took so many points or so many minutes or hours off of your vacation time, your first week of vacation, and that time the cards were passed, they were handed out and we signed the cards.

Now, I was sitting on the bench and I was waiting for a pencil or pen, which I signed it in pencil, looking at the card, to sign my card, and Jim Ehre and James Stempert [406] were sitting on the bench with me. Now, who was next to me I don't recall or which one signed first, but I saw either one of them sign first and then I took the pencil and signed mine, and I witnessed or saw the other guy sign his or was writing on the card and then we handed them back.

Q Mr. Masker, I show you General Counsel Exhibit 4-B and ask—I show you General Counsel Exhibit 4-B in evidence and ask you if this is the card you saw James Ehre sign?

A Yes, it is.

Q I show you General Counsel Exhibit 4-D in evidence and ask you if this is the card that James Stempert signed.

A Yes.

Q After the cards were signed—

A After the cards were signed—

TRIAL EXAMINER: Did you see anyone sign a card besides the two individuals to whom General Counsel just referred?

THE WITNESS: I don't remember seeing anybody else actually sign the cards.

A We discussed about the strike. Dominick started talking about once before they tried to organize this factory and before they could get ready to go on strike had a couple of meetings and the majority was broke down, so we voted on immediate action, a strike, and we had a paper wrote up by Joe Munoz and everybody signed that paper to the effect of strike.

[407] Q Mr. Masker, I show you General Counsel Exhibit 5 and ask you if this is the paper you are referring to.

A Yes, it is.

Q Is this your signature?

A Yes, sir, it is.

Q Was everybody sitting down at the time this was signed?

A This paper here?

Q Yes.

A Yes, all except Bill Hissam. He stood all the while.

Q Was everybody sitting down when the cards were signed?

A Yes.

Q As far as you recall.

A Yes, that I recall.

Q All right.

Now, at the time the cards were—at the time you signed your card do you recall if Mr. Hissam was sitting down?

A No, Mr. Hissam wasn't.

Q What was he doing?

A He was standing at the far end of the table.

TRIAL EXAMINER: Would you hand the witness his card, please.

You note down the left-hand corner there is something written.

THE WITNESS: Yes.

[408] TRIAL EXAMINER: What is that?

THE WITNESS: WLH.

TRIAL EXAMINER: Do you know what that stands for on your card?

THE WITNESS: William Hissam. I don't know what the "L" stands for, sir.

TRIAL EXAMINER: Did you see that put on the card?

THE WITNESS: At the time I signed it, no, sir.

TRIAL EXAMINER: Very well.

Who did you hand your card to?

THE WITNESS: I don't remember, sir, if I passed it up or it was handed direct to Bill Hissam.

Q Mr. Masker, did you picket the following day?

A Yes, sir, I did.

Q Could you describe—would you describe what happened immediately—well, strike that.

Did you go to work on the morning of October 12, 1965?

A Yes, sir, I did.

Q Could you tell us what happened at about 10:00 o'clock.

A Well, at approximately 10:00 o'clock we was waiting for either the phone call or for a committee that went and see Mr. Walter Derse, and approximately 10:15 or 10:30, somewheres in there, Jack Munoz received a call in a production stand office, and he come out and said, "It's time to go out on strike, they won't talk."

[409] Q Yes.

A So we got our stuff, we punched out and went out into the parking lot and took our cars out in the street and we come back and right away we formed our picket line.

Q Where?

A In the driveway of the factory.

Q Did you have a sign?

A Yes, sir, I did have a sign.

Q Did you picket that entire day?

A Yes, sir, I was there all day up until about 5:30, 6:00 o'clock when I went home to eat, and I was home for approximately 45 minutes and I come back.

Q At any time during that day did you see Arthur Derse Jr.?

A Yes, I did, before I went home to eat.

Q What did you see?

A He drove past the picket line to the front of the factory.

Q Yes.

A And he got out and went into the factory.

Q Did he have anything with him?

A I don't know if it was a suitcase or briefcase, it was a big bag, could be either one.

TRIAL EXAMINER: Do you recall what was on the picket sign?

[410] THE WITNESS: On the picket sign we had "On Strike, Wilder Manufacturing, 1410."

Q Mr. Masker, after you went out on strike did you have occasion to see—during that first day did you have occasion to see any of the other Derses?

A Yes, I did.

Q Who?

A I saw Bob or Robert and Mr. Derse, Sr.

Q About what time was that?

A It was in the afternoon.

Q Any other time that you recall?

A During that day?

Q During that day.

A I don't recall if I see them at that one time, I may have seen him before.

Q Did you see him at any time that evening?

A Yes, after I came back from supper they all came back to the plant and in.

Q What did you observe, how did it look like?

A The front part was all lit up.

Q How about the factory part?

A No.

Q No lights?

A Might have been the flood light.

Q Is that flood light outside or inside the factory?

[411] A One inside and a big one outside.
Q On October 13th, the following day, did you go to the situs of the factory?
A Did I go inside?
Q Not inside, did you picket?
A Yes, I did.
Q For how long after that did you picket?
A The day after the strike?
Q For how long thereafter?
A Well, I picketed every day, approximately every day.
Q For how long?
A Three, four hours.
Q A week, two weeks? How long?
A Well, every week. I've been there every week at least four hours every day of the time we've been out.
Q Up until when? Every week up until when?
A Until about three weeks ago, four weeks when I left.
Q In the second day did all the eleven picket together at sometime during that day?
A Yes, we did.
Q About what time was that?
A Well, in the morning approximately everyone was there, only one I'm not sure of, and that's Jim Stempert, but the rest was all there on the second day in the morning.
[412] TRIAL EXAMINER: Did anybody join the picket line other than the eleven who first were on the picket line?
THE WITNESS: Yes, sir, one did, Helmut. I believe that's how you pronounce it.
Q Helmut who, do you know?
A I just know him by Helmut. That's how I call him, a German fellow.
Q Is that Helmut Hernsdorf?
A Yes.

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[443] JOSEPH MUNOZ

a witness called by and on behalf of the General Counsel, being duly sworn, testified as follows:

TRIAL EXAMINER: State your name, please.
THE WITNESS: Joseph Munoz.
TRIAL EXAMINER: And your address?
THE WITNESS: Neversink Drive, R.D. #2, Port Jervis, New York.

[444] DIRECT EXAMINATION

Q (By Mr. Green) Mr. Munoz, as of October 12, 1965 by whom were you employed?
A By Wilder Company.
Q Speak up.
A By the Wilder Company.
Q In what capacity were you employed?
A I was assembling and soldering.
Q For how long had you been employed at that company?
A Approximately six years.
TRIAL EXAMINER: Are you presently working there?
THE WITNESS: No.
Q Mr. Munoz, did you sign a card for the Textile Workers Union of America?
A Yes.
Q I show you General Counsel Exhibit 4N. I ask you if that is your signature.
A Yes.
Q Speak up, please.
A Yes.
Q Is this the date that you signed it?
A October 11th, yes.
Q Did you read this card before you signed it?
A Yes.
Q Mr. Munoz, did you go out on strike on October 12,
[445] 1965?
A Yes, I did.
Q How long thereafter did you picket?
A About five months.

Q On October 11th—strike that.
On October 12, 1965, the first day of the strike, did did you have occasion to see Arthur Derse, Jr.?
A That night.
Q That night?
A Yes.
Q About what time was that?
A Between maybe 5:00 and 7:00.
Q Between 5:00 and 7:0?
A Yes.
Q What did you see, what did you observe?
A Mr. Derse drove up in a car in front of the building, backed up, he opened the trunk, took out a briefcase or valise, opened the building, went inside, turned on the lights.
MR. GREEN: No further questions.
TRIAL EXAMINER: Did you see all the four Derses on that day?
THE WITNESS: Yes.

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[453] HAROLD VANDERMARK

a witness called by and on behalf of the General Counsel, being duly sworn, testified as follows:

TRIAL EXAMINER: State your name.
THE WITNESS: Harold David Vandermark.
TRIAL EXAMINER: And your address?
THE WITNESS: Post Office box 718, Port Jervis, New [454] York.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. Vandermark, as of October 12, 1965 by whom were you employed?
A Wilder Manufacturing.
Q In what capacity were you employed with that company?
A Machine operator.
Q For how long had you worked at that company?
A Since July of 1962.
TRIAL EXAMINER: Are you still working for the company?

THE WITNESS: I am not back.
Q Mr. Vandermark, did you sign a card for the Textile Workers Union of America?
A Yes, I did.
Q I show you General Counsel Exhibit 4-E and ask you if this is your signature.
A Yes, it is.
Q On what date did you sign that card?
A October the 11th.
Q Mr. Vandermark, I show you General Counsel Exhibit 5. Did you sign this General Counsel Exhibit 5?
A Yes, I did.
Q Did you go out on strike on October 12, 1965?
A Yes, I went out.
[455] Q How long after that did you remain out?
A Until April, 1966.
Q Did you picket?
A Yes, I did.
Q For how long did you picket?
A Just about every day.
Q Did you see any of the Derses while you were on the picket line the first day?
A Yes.
Q Who was it?
A Mr. Arthur Derse, Sr.
Q Recall anybody else?
A Mr. Walter Derse, Bob, Robert Derse and later that night Artie came in.
A Artie who? What is the name?
A Arthur Derse, Jr.
Q Jr.?
A Yes.

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[481] ARTHUR O'HARA

a witness called by and on behalf of the General Counsel, being duly sworn, testified as follows:

TRIAL EXAMINER: Would you be seated and give us your full name.
THE WITNESS: Arthur J. O'Hara.
TRIAL EXAMINER: Your address?

[482] THE WITNESS: 14 Francis Street, Port Jervis, New York.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. O'Hara, as of October 12th by whom were you employed?
A Wilder Manufacturing.
Q In what capacity were you employed by that company?
A Work in the packing department, packing crate.
Q For how long had you been employed by Wilder Manufacturing Company?
A Approximtaely three months.
TRIAL EXAMINER: Are you presently working for Wilder?
MRS. MORIO: Excuse me, could I have that last question and answer?
TRIAL EXAMINER: He said "Approximately three months."
Q Is that how long you had been working?
A For Wilder?
Q Yes.
MRS. MORIO: Before October 12th.
A Yes.
TRIAL EXAMINER: Are you presently working for Wilder?
THE WITNESS: No.
Q Mr. O'Hara, did you ever sign a card for the Textile Workers Union of America?
A I did.
[483] Q I show you General Counsel's Exhibit 4M, ask you if that is your signature.
A It is.
Q On what date did you sign that card?
A October 11th.
Q Where did you sign this card?
A Mr. Hissam's residence.
Q Mr. O'Hara, I show you General Counsel's Exhibit 5 and ask you if this is your signature.
A It is.

Q On what date did you sign this?
A Is that the—
Q Why don't you read it to yourself.
A All right.
That was the same night, October 11th.
MR. GREEN: Mr. Trial Examiner, I do not want to ask this witness about the entire meeting on October 11th. The question I may ask may be leading, but I would like to cover one particular point.
TRIAL EXAMINER: As long as a leading question is only preliminary I will permit it.
Q Mr. O'Hara, do you recall an election for a committee?
A Yes.
Q Do you know how that came about?
A Yes, during our discussion in the course of the even- [484] ing there we said that if Wilder Manufacturing were willing to sit down with the Union, with the representatives of the Union, that we would send a committee in with them to be present when they were in there.
Q Mr. O'Hara, did you picket the following day?
A Yes.
Q For how long that day did you picket?
A Believe it or not, I was there right until about 11:00 o'clock that night.
Q Did you see Arthur Derse, Jr. that day?
A Yes, I did.
Q Will you describe the circumstances when you saw him.
A Well, he drove in in his car, it was sometime after the employees had left the factory. I would say it was, oh, approximately maybe 5:30 to 6:30, a quarter to 7:00 maybe.
Q Yes.
A And he got—he drove up to the front entrance of the factory—that's beyond where we were picketing—and got out of his car, took a, I don't know, briefcase out of the car and went in the factory.
Q How long after this first day did you picket?

A Now, may I ask this question. Period of months or each day how long did I picket?
Q No, period of months.
[485] A Let me see, I was on there until March sometime, I believe it was, because I got another job at that time.
MR. GREEN: We have no further questions at this time.
TRIAL EXAMINER: Mr. Cohen?
MR. COHEN: No questions.
TRIAL EXAMINER: Mr. Rosenthal?

CROSS-EXAMINATION

Q (By Mr. Rosenthal) Mr. O'Hara, when you were picketing sometime around the beginning of November do you recall an incident that the police investigated concerning nails and tacks being thrown on the company driveway?
MR. GREEN: I object, outside the scope of the direct.
TRIAL EXAMINER: Overruled.
A I remember the occasion.
Q Did you see the nails on the driveway yourself?
A No, I did not see them.
Q Were you there when the police came?
A I was.
Q Were you there when an incident about one of the cars in the parking lot was punctured and flattened?
MR. GREEN: I object, same grounds.
TRIAL EXAMINER: Overruled.
Q About the same time.
A Yes, shortly after that I remember them saying that there was tires punctured.

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[490] REDIRECT EXAMINATION

Q (By Mr. Green) Mr. O'Hara, did you ever have occasion to see any tires slashed?
A What?
Q Slashed tires.

A No, I didn't see them, no.
MR. GREEN: I have no further questions.

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[491] HELMUT HERNSDORF

a witness called by and on behalf of the General Counsel, being duly sworn, testified as follows:

TRIAL EXAMINER: Be seated, please.
Give your name.
THE WITNESS: Helmut Hernsdorf.
TRIAL EXAMINER: Your address?
THE WITNESS: 99 Mechanic Street, Port Jervis.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. Hernsdorf, as of October 12, 1965 by whom were you employed? On October 12th by whom were you employed?
A Wilder Manufacturing .
TRIAL EXAMINER: Are you still employed there?
THE WITNESS: No.
TRIAL EXAMINER: Very well.
Q How long had you been employed by that company?
[492] A I started a new job April 7th.
Q No—
A Oh, two months.
Q Is that how long you—that is the total amount of time you worked before the strike?
A Yes.
Q Two months?
A Yes.
Q When?
A From August 9th to October 12th.
Q Mr. Hernsdorf, did you ever sign a card for the Textile Workers Union of America?
A Yes.
Q I show you General Counsel Exhibit 4-K—I believe this is for identification—and ask you if this is your signature.

A Yes.
Q Can you tell me the date that you signed this.
A 10/12/65.
Q Did you read this card before you signed it?
A Yes.
MR. GREEN: I offer this into evidence.
MR. ROSENTHAL: Could I see the card, please.
Q Under what circumstances did you sign this card, Mr. Hernsdorf? Where were you?
[493] A Because—
Q Not why, where were you? Where did you sign this card?
A Outside on the picket line.
MR. GREEN: I offer this card in as General Counsel's Exhibit 4-K in evidence.
MR. ROSENTHAL: I have no objection at this point. However, I reserve the right to object to its introduction following my cross-examination of this witness.
TRIAL EXAMINER: You want me to reserve ruling on the motion?
MR. ROSENTHAL: Yes, I have what would normally be voir-dire, but it goes beyond that.
TRIAL EXAMINER: Very well, I will reserve ruling on this until after your cross-examination.
Q Mr. Hernsdorf, did you ever have occasion to picket yourself? Mr. Hernsdorf, did you go on the picket line?
A Yes.
Q When? When was that?
A October 12th, afternoon.
Q Any other times?
A Next following day too.
Q When did you picket on the following day? Do you remember what time?
[494] A in the morning.
TRIAL EXAMINER: What date did you sign your card?
THE WITNESS: October 12th.
TRIAL EXAMINER: Was that the day the employees first put up the picket line?
THE WITNESS: Yes.

TRIAL EXAMINER: How long were you in the vicinity of the picket line on that day?
THE WITNESS: About three hours, something, a few hours.
TRIAL EXAMINER: What did you do?
THE WITNESS: Nothing, stay around.
TRIAL EXAMINER: Was there a group of pickets walking back and forth? What were the pickets doing? Were they moving, standing still?
THE WITNESS: This afternoon—
TRIAL EXAMINER: Do you understand my question?
THE WITNESS: Yes, yes, but this afternoon I can't remember. The next day, yes, was walking.
TRIAL EXAMINER: What?
THE WITNESS: Walking on the picket line.
TRIAL EXAMINER: Did you at any time walk with them?
THE WITNESS: Yes.
TRIAL EXAMINER: How long did you walk with them?
THE WITNESS: Few times.
[495] TRIAL EXAMINER: How long? An hour, ten minutes, two hours?
THE WITNESS: I would say "Yes."
TRIAL EXAMINER: How long?
THE WITNESS: A few days.
TRIAL EXAMINER: How long at any one time did you walk with them on any one day?
THE WITNESS: Oh, about an hour, about an hour.
TRIAL EXAMINER: Very well.
Go ahead, Mr. Green.
MR. GREEN: I have no further questions of this witness.

CROSS-EXAMINATION

Q (By Mr. Rosenthal) Mr. Hernsdorf, when did you first go over to the picket line, at what time on October 12th?
A Right after lunch time.
Q You continued to work until lunch; is that correct?

You did not stop work at 10:30 that day, did you?
A No.
Q You worked until lunch?
A Yes.
Q When you went out at lunch time did you speak to anybody?
A Yes.
Q To whom did you speak?
[496] A I know his first name, Dominick.
Q You spoke to a fellow named Dominick?
A Yes.
Q Did he talk to you about the Union or about the strike?
A Said to me, "You like to join us?"
Q Was this the first time that anybody had asked you to sign a card for the union?
MR. GREEN: You understand the question?
THE WITNESS: Yes, I understand the question.
MR. GREEN: Answer it.
Q Did anybody ask you to sign a union card the day before the strike on October 11th?
A Yes.
Q Who was that?
A I guess was Jack Munoz.
Q When did he speak to you?
A In the morning.
Q The morning of the 12th or the morning of the 11th? The morning of the strike or the day before?
A I can't remember that same day or day before, I can't remember.
Q Did you refuse to sign a card at that time?
A Yes.
Q What did Mr. Munoz say to you when you refused to sign [497] the card?
A Said nothing about—
Q Mr. Hernsdorf, let me explain to you now. You are now testifying in a proceeding run by the United States government. You do not have to be afraid to answer.
MRS. MORIO: There is no reason for counsel to make such a statement, the witness is doing his best

to answer the question. Counsel is attempting to intimidate the witness. He is doing the best answering the questions put to him.
TRIAL EXAMINER: Mr. Hernsdorf is having a little difficulty in understanding the questions put to him by counsel.
Mr. Hernsdorf, if you do not understand the question would you tell me—
THE WITNESS: Yes.
TRIAL EXAMINER: —and then I will see if I can have the lawyer clarify it so you can understand it. Very well?
THE WITNESS: Yes.
TRIAL EXAMINER: All right.
Q When Mr. Munoz asked you to sign a card and you refused, what, if anything else, did he say to you?
A He said to me, "You like to join the union, you like to sign a card?" That's all.
Q And you said, "No?"
[498] A Yes, sir.
Q You went out on the picket line and you spoke to Dominick?
A Yes.
Q Dominick asked you to sign a card. What did you say to him?
A He didn't ask me to sign a card, said to me, "You like to join us?"
Q What did you say at that point?
A I said, "Well, most of the guys out here, you know, so I'm with you."
Q When you signed a card what did you believe you were signing? Did you know what the card was for?
A To join the union.
Q You thought what when you signed the card, you were joining the union?
A Yes.
Q Did you ever resign from this union once before?
A Yes.
Q Was that right before you came to work for Wilder?
A Yes.

Q Now, Mr. Hernsdorf, I want you to try and tell us now what made you now decide to rejoin this union that you had previously resigned from. Why did you now change your mind and think that you had better join this union when you had [499] just recently resigned from it?

MRS. MORIO: Objection, the witness testified that most of the guys were out and he decided to join them.

TRIAL EXAMINER: I will object to going into the state of this individual's mind, which I understand is inadmissible.

Q Had you heard anyone say that if you did not sign a card the union would make things tough on you?

MRS. MORIO: Objection.

TRIAL EXAMINER: Overruled.

A Please read me the question.

Q Did you hear anybody say anything to the effect that if you did not sign this card that the union would make things rough on you?

A No.

Q Did they say they would make it rough on your wife?

A Nobody said to me.

Q Did you hear anybody say this?

MRS. MORIO: Objection.

MR. GREEN: Objection. Why don't we qualify the date and time. I don't think the witness understands what he's talking about.

MR. ROSENTHAL: If he did not understand me he did not understand you either.

MRS. MORIO: Objection, Mr. Trial Examiner.

[500] MR. ROSENTHAL: If he did not understand you he did not understand when they asked him to sign a card.

TRIAL EXAMINER: I think the objection is well taken as to time.

I will sustain the objection to the question.

Q Now, Mr. Hernsdorf, you say that you spent some time talking to Dominick on October 12th; is that correct?

A Yes.

Q How long did you stand there talking to him?

A A few minutes or a minute.

Q Were some of the people carrying picket signs?

A Yes.

Q Did you carry one?

A No.

Q Have you ever carried a picket sign?

A No.

Q After you talked to Dominick a few minutes what did you do?

A Just stood there.

Q You stood around and you watched them?

A Yes, that's all.

Q You just watched?

A Yes.

Q You did not walk up and down with a picket sign?

A Like I said before, this afternoon I can't remember [501] whether I walked or didn't.

Q On the afternoon of the strike you say that you stood around and watched them but did not carry a picket sign, is that right?

A Yes.

Q Then you went home?

A About 3:00 o'clock, something like that.

Q Did you come back the next day?

A Yes.

Q What time did you get to the plant the next day?

A In the morning, in the morning.

Q What time?

TRIAL EXAMINER: Did you go to work the next day?

THE WITNESS: No.

TRIAL EXAMINER: Did you go to work at any time thereafter? At Wilder.

THE WITNESS: After—I guess after three months.

TRIAL EXAMINER: You did not go to work for three months?

THE WITNESS: No, after three months I was out then I went in for one and a half day.

TRIAL EXAMINER: When?

Q You say you were out for three months, you did not go to work.
A Yes.
[502] Q Then you came back to work at one point, right, about three months later?
A Yes.
Q This was around Christmas time?
A After Christmas time, after Christmas time.
Q You went back to work and you stayed there a day and a half?
A Yes.
Q Why did you stop coming to work after that?
MR. GREEN: I object, he is asking for a subjective state of mind. Besides which three months after this man started picketing is totally irrelevant.
TRIAL EXAMINER: I think I will allow the answer to that question.
You may answer.
Q Why did you stop working after you came back? Did anyone say anything that caused you to leave?
A No, no, nobody said something to me.
Q Why did you come back a day and a half and then leave?
A I would say just a funny feeling, you know, most of the guys still out there.
Q Did they say anything to you when they saw you go in to work?
A No.
Q They did not say a word?
[503] A I can't remember.
Q You mean, you walked through this picket line and you went in the plant to work and then you walked out again at the end of the day and nobody said a word to you?
A So far as I know nobody said—
Q You did not hear them say anything to you? Didn't they yell "Scab"?
A No, I can't remember. Maybe—
Q Did they say "Hello" to you when you went to work?
A No, nothing.

Q They did not say a word?
A No.
Q You went to work that morning, were there people on the picket line picketing with signs?
A Most of the guys was sitting in the car.
Q They weren't picketing?
A That's it, yes.
Q But they saw you walk in to work?
A Yes.
Q And nobody said anything?
A No.
Q Mr. Hernsdorf, what is your address?
A 29 Mechanic Street.
Q How far away from the plant is this?
A Three houses.
[504] Q Three doors away from the plant?
A Yes, yes.
Q About 50 feet away?
A Something like that.
Q Every day the pickets would park their cars in front of your house? Frequently—
A Not exactly in front from my house, I would say the next door, next house.

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[507] TRIAL EXAMINER: Mr. Hernsdorf, after the 12th of October, the day that the pickets first appeared in front of the plant, as I understand it you worked one and a half days after that time sometime after Christmas; is that right?
THE WITNESS: Yes.
TRIAL EXAMINER: That is the only time you worked at the plant?
THE WITNESS: Yes.
TRIAL EXAMINER: Since that date?
THE WITNESS: Yes.
TRIAL EXAMINER: Did you go back to the vicinity or to the picket line around the plant during that period?
THE WITNESS: Around when?
TRIAL EXAMINER: After October 12, the day when you first saw the pickets. Did you go to the gates of the plant or the picket line after that date?

THE WITNESS: On the picket line, yes.
TRIAL EXAMINER: Go ahead.
Q When was it that you went back to the picket line after October 12th?
A October 13th, next day.
Q You went the next day?
[508] A Yes.
Q What time did you get there during the day?
A Morning hours, in the morning.
Q What did you do when you got there?
A I walked with the guys around the picket line.
Q Did you carry a sign?
A No, no, I never carried a sign.
Q How long did you walk around with it?
MR. GREEN: I'm sorry.
Go ahead.
A Exactly I don't know.
Q About a half an hour?
A No, longer.
Q About an hour?
A A couple of hours.
Q Then you went home?
A No, then we stopped sometimes to go around.
Q Did you go back on the 14th of October, the next day?
A The next day, this I can't remember.
Q You only went around that one day, October 13th; is that correct?
MRS. MORIO: Objection, that's not what he testified.
A I was a few days out there too, but exactly I was October 14th down there because I didn't mark down the date.
[509] Q How many days would you say that you went on the picket line?
A A few days anyhows.
Q Three days?
A More.
Q Four days?
A How many days exactly I don't know.
Q Was it less than—
A Because I didn't count the days.

Q Did you picket for less than five days?
A No, no, more than five days.
Q Was it less than ten?
A Like I said, I didn't count the days, you know. Like I said, a few days.
Q A few days?
A A few days anyhow, you know.

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[542] MR. ROSENTHAL: Will the reporter mark this document as Respondent's Exhibit 4. It is a three-page document in the form of an affidavit which is unsigned.

(Thereupon, document referred to was marked Respondent's Exhibit No. 4 for identification.)

Q Mrs. Hernsdorf, I now show you a three-page document, handwritten, which is marked for identification as Respondent's Exhibit 4.
I ask you to read this document and then I will ask you some questions about it.
TRIAL EXAMINER: Off the record.

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[545] TRIAL EXAMINER: On the record.
As I understand Mr. Rubinstein is objecting to the reading of the statement to the witness. That objection is overruled.
Would you read the statement into the record?
MRS. MORIO: Mr. Trial Examiner, it is understood we are reading it in because of the difficulty of the handwriting. We do not know the purpose for which Mr. Rosenthal is going to offer it. We observe our right to reject it.
TRIAL EXAMINER: All right.
MR. GREEN: "State of New York, County of Orange. Helmut Hernscord, being duly sworn deposes and says—"
TRIAL EXAMINER: Mr. Hernsdorf, you listen. You will be asked whether or not this was your statement to Mr. Green.
MR. GREEN: "1, I reside at 29 Mechanic Street, Port Jervis, New York. 2, I am presently employed at

A and W Products. I was previously employed at Wilder Manufacturing Company from about August 9, 1965, to about October 12, 1965.

"3. —"

TRIAL EXAMINER: Mr. Hernsdorf, as this is being read to you, in order that we don't have to read it to you again, [546] if there is any parts of this statement that you think is untrue, would you stop Mr. Green and tell us that that is not the fact?

Do you understand me?

THE WITNESS: Okay.

TRIAL EXAMINER: If you don't say anything we will assume that it is all true and this is what you told Mr. Green. Do you understand?

THE WITNESS: Yes, I understand.

TRIAL EXAMINER: Go ahead, Mr. Green.

MR. GREEN: "On or about October 12th, after the men walked out—" sorry, "after the men walked," no 'out'. "I worked till noon. I went outside after lunch. One of the employees, Dominic Caliciotti, asked me to join us. Hissam then gave me a card and asked me if I want to sign it. I signed the card. I believe I read the card. I don't recall anyone telling me what the card was for, but I figured it was to join the union."

THE WITNESS: That's right.

MR. GREEN: "No one threatened, coerced or in any way pressured me into signing this card."

THE WITNESS: Right.

MR. GREEN: "During the afternoon of October 12th, 1965 I was on the picket line. I also picketed after that day but not regularly."

[547] THE WITNESS: That's correct.

MR. GREEN: "And I picketed in October, November, December, and for some time in January."

THE WITNESS: That's correct.

MR. GREEN: "In or about January, 1966, after Christmas, I decided I wanted to go back to work. I told this to Hissam in January, and Hissam told me that I should wait one week because Mr. Rubinstein would come down and we would have to see if the people were willing to stay out or not."

THE WITNESS: That's right.

MR. GREEN: "I went to that meeting. At this meeting the majority of the men decided to stay out."

THE WITNESS: That's correct.

MR. GREEN: "Also in about January I heard Hissam speaking to some of the strikers and I heard him say that my wife, who works at A and W and is under contracts with the union, might have to suffer if I went back to work."

THE WITNESS: Right.

MR. GREEN: "I went back to work for Wilder in mid-January. I worked there one and a half days. I stopped because I didn't want to get my wife involved and most of the men were still out."

THE WITNESS: Right.

MR. GREEN: "After I left work, I told Hissam that I [548] would stay out again. I told him that I was sorry that I went back to work. I did not explain to him why I was sorry that I went back to work. I don't recall saying that I couldn't stay inside with the rest of the men. I was never told directly by Hissam or anybody else that my wife might suffer if I went back to work."

TRIAL EXAMINER: That's all at this point from you, Mr. Green. You may proceed now, Mr. Rosenthal.

Q (By Mr. Rosenthal) Mr. Hersndorf, did Mr. Green ask you to sign that statement when he was finished writing it down?

A I think about then last week. I really can't remember if Mr. Green ask me to sign it or not. I don't know. I'm sorry, I can't remember.

Q If he has asked you to sign it was there any reason why you would not have done so?

MR. RUBINSTEIN: Objection.

MRS. MORIO: Objection.

MR. GREEN: Objection.

TRIAL EXAMINER: Sustained.

Q You did not sign the statement, did you?

A No, I didn't sign the statement, no.

Q But everything that was read you by Mr. Green was true?

A This here—yes, sir, yes.

TRIAL EXAMINER: Is that what you told Mr. Green? Did you [549] tell Mr. Green the things that he read to you? Did you tell them to him?

Do you understand?

THE WITNESS: If I tell Mr. Green?

TRIAL EXAMINER: Yes, what he had written down. Did you tell him what he has written down?

THE WITNESS: Yes.

TRIAL EXAMINER: All right.

MR. ROSENTHAL: I move that respondent's Exhibit 4 be received in evidence.

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TRIAL EXAMINER: Well, I think that it is in evidence anyhow, in view of the fact that the witness testified that the statements therein were true. I will admit it.

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[557] FRED HICKS

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you be seated, please, and give us your full name?

THE WITNESS: Frederick Hicks.

TRIAL EXAMINER: Your address, Mr. Hicks?

THE WITNESS: Boemhler Road, Sparrow Bush, New York.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. Hicks, as of October 12th by whom were you employed?

A Wilder Manufacturing.

Q How long had you worked at that company?

A I believe it was approximately three years.

Q In what capacity did you work?

A Machine operator.

[558] Q Are you working there at the present moment?

A Yes, sir.

Q Mr. Hicks, did you sign a card for the Textile Workers Union of America?

A Yes, sir.

Q I show you General Counsel's Exhibit 4 and ask if this is your signature?

A Yes, sir.

Q Is that the day you signed it?

A Yes, sir.

Q Where did you sign this card?

A At Mr. Hissam's house.

MR. GREEN: Thank you.

Let the record show that I am handing the cards over to Mr. Rosenthal.

MR. ROSENTHAL: Do you have any further questions of this witness?

MR. GREEN: Yes, I have not finished yet.

MR. ROSENTHAL: Are you offering this card in evidence?

MR. GREEN: It is in evidence.

MR. ROSENTHAL: Proceed.

Q Mr. Hicks, I show you General Counsel's Exhibit 5 in evidence, and ask you if your signature is on this?

A Yes, sir.

Q Is October 11, 1965 the date you signed it?

[559] A That's right.

Q Where did you sign this?

A That was signed at Mr. Hissam's house.

TRIAL EXAMINER: Was that signed the same time you signed your card?

THE WITNESS: Yes, sir.

Q (By Mr. Green) Mr. Hicks, did you picket on October 12th, 1965?

A Yes, sir.

Q Did you picket—

MR. ROSENTHAL: Objection, I suggest we don't ask the witness any more leading questions.

Q How long thereafter did you picket?

A For seven months, probably.

Q Around Thanksgiving were you picketing?

A Yes, sir.

Q If you know, was James Ehre picketing around that time?

A Yes, he was.

MR. ROSENTHAL: Objection.

TRIAL EXAMINER: What was that question? If he knows what?

MR. GREEN: If he knows, was James Ehre picketing at that time, Thanksgiving.

TRIAL EXAMINER: I will allow the question.

Q If you know, was James Stempert picketing at that time?

[560] A Yes, he was.

Q Do you recall, if you remember, any other people picketing about that time?

A Helmut.

Q Hernsdorf?

A Hernsdorf.

Q Yes.

A Jack Munoz was out there.

TRIAL EXAMINER: What is the significance of Thanksgiving? As against any other day?

MR. GREEN: We want to show that at least—the records show that at least through Thanksgiving, the month of November, there was regular picketing by everybody. We did not call James Stempert and James Ehre to save a little time, therefore, we don't know how long they were on the picket line. I don't know if the witness could go and say the exact date at which time James Ehre or James Stempert picketed, but I think I can recall Thanksgiving as a time which they picketed, it was more than a day, a week, it was several months.

TRIAL EXAMINER: Very well.

MR. GREEN: All right, I have no further questions.

TRIAL EXAMINER: Mr. Rosenthal, you have any questions?

Mr. Rubinstein, if you have any questions of a witness will you speak up and let me know before I turn him over to [561] Mr. Rosenthal.

MR. RUBINSTEIN: Okay, I will.

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[565] IRVING HUGHSON

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Would you be seated, and give us your full name and address.

THE WITNESS: Irving Hughson, 12 Second Street, Port Jervis.

TRIAL EXAMINER: Very well.

Off the record.

(Discussion off the record,)

HEARING OFFICER: On the record.

Go ahead, Mr. Green.

[566] DIRECT EXAMINATION

Q (By Mr. Green) Mr. Hughson, as of October 12th by whom were you employed? As of October 12th, by whom were you employed?

A October 12th—Wilder Manufacturing.

Q How long had you been employed there?

A Oh, about fourteen years.

Q In what capacity were you employed?

A Machine shop operator.

Q Mr. Hughson, did you sign a card for the Textile Workers Union of America?

A Yes, sir.

Q I show you General Counsel's Exhibit 4-I in evidence, ask you if this is your signature?

A Yes.

Q Is that date, October 12th, 1965 the day you signed it?

A Yes.

Q Where did you sign this card?

A By the picket line at Wilder Manufacturing.

Q After October 12th, did you return to work?

A No, I didn't.

TRIAL EXAMINER: Have you ever returned to work?

THE WITNESS: Yes, I returned January 20th.
MR. GREEN: I have no further questions.

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[570] CECIL FRANK TONKINSON

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

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[581] CROSS-EXAMINATION

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[588] Q Mr. Tonkinson, let's rephrase the question for you.
Did you stay away on October 13th, the day after the [589] strike—
A Yes.
Q —because you were striking in sympathy with the employees or some other reason?
MR. RUBINSTEIN: I object, I think it is a leading questions.
TRIAL EXAMINER: Overruled.
Why did you stay away on the second day, that's what he wants to know.
THE WITNESS: Because there might have been some question of violence.
MRS. MORIO: Objection, Mr. Trial Examiner.
TRIAL EXAMINER: Overruled.
Q Had you received any information at that time concerning a fight that another employee had had with the union?
MRS. MORIO: On what day is this, can I ask?
MR. ROSENTHAL: I said, "On October 13th."
A Not on October 13th, no, I don't believe.
Q Were you on strike on the 13th or were you remaining at home because you were afraid there would be violence?
A Yes, remained home because I was afraid there might be some trouble.

MRS. MORIO: Objection, Mr. Trial Examiner, this is highly objectionable. The witness has a subjective state of mind which is clearly not relevant. You can't tie what [590] he thought might occur.
TRIAL EXAMINER: Don't you think then that it is appropriate for the General Counsel to ask this man whether he joined the pickets and was on strike and indicate what his purpose was of staying away?
MRS. MORIO: No, Mr. Trial Examiner, the witness—
TRIAL EXAMINER: As the records stands at this point the inference is that the man stayed away because he was sympathetic to the union. His statement is that he stayed away not because he was sympathetic but that he was afraid to go in. It is pertinent evidence.
Go ahead, Mr.Rosenthal.
Your objection is overruled.
Q Mr. Tonkinson, did you at any time during the course of the strike engage in any picketing?
A No.
Q Did you ever walk on the picket line with the pickets?
A No.

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[598] Q Did you hear about anyone having their automobile damaged when they went to work during the strike?
A No.
Q Did you hear about an incident involving nails and tacks being thrown on the driveway?
MRS. MORIO: Objection, hearsay.
TRIAL EXAMINER: Overruled.
A Yes.

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[599] REDIRECT EXAMINATION

Q (By Mr. Green) Now, you mentioned this thing about Hughson, could you tell us how you heard about that?

A My wife works with Hughson's sister, and she told my wife, and that's how I heard.
Q And your wife told you?
A Yes.
Q In other words, you got it through thirdhand sources?
A That's right.
MR. ROSENTHAL: Objection, this man is still your witness, Mr. Green. I'd appreciate it if you do not lead him.
MRS. MORIO: We are not impeaching him, Mr. Rosenthal.
MR. ROSENTHAL: I think—I did not say "impeach." I said you were leading him.
Q Did you hear anything from Hughson?
A I asked him about this. He said there was no fight.
MR. ROSENTHAL: I am going to object to this unless we establish when in point of time Hughson told him there was nothing to it.
TRIAL EXAMINER: He said a month or so later. However, [600] did not indicate when he first heard about it.
When did you first hear about the affair with Hughson?
THE WITNESS: Whenever it happened to be.
TRIAL EXAMINER: How long after the strike commenced?
THE WITNESS: I don't know.
TRIAL EXAMINER: Was it a short time or long time?
THE WITNESS: Whenever Hughson had it told my wife and my wife told me about it.
TRIAL EXAMINER: How long after the strike?
THE WITNESS: I don't know.
TRIAL EXAMINER: You don't know?
THE WITNESS: No.
TRIAL EXAMINER: All right.
Q (By Mr. Green) You say you mentioned this to Robert Derse at a social function at church?
A That's right.

Q I wonder if you have any idea when that was, approximate time?
TRIAL EXAMINER: I didn't hear any testimony that he told Mr. Derse in church.
MRS. MORIO: He said social function, he said he told Robert Derse at a social function in church.
TRIAL EXAMINER: I missed that. Go ahead.
MR. ROSENTHAL: He said he told him after the strike [601] had commenced.
TRIAL EXAMINER: When did that occur, take place?
THE WITNESS: I think it was probably Thanksgiving, some place around there.
Q (By Mr. Green) On October 12th you left to go to the doctor around three-thirty; is that right?
A That's right.
Q Prior to the time you signed the card had anybody—had any of the pickets tried to speak to you, did you speak to any of the pickets?
A No.
Q Did any of them threaten you in any way?
MR. ROSENTHAL: Objection.
TRIAL EXAMINER: You know what "threaten" means?
THE WITNESS: Yes.
TRIAL EXAMINER: I will allow the answer.
MR. ROSENTHAL: I think the witness just testified that no one spoke to him. Now, he is asking for a conclusion of the witness, leading the witness.
TRIAL EXAMINER: A threat could be a menacing gesture.
Go ahead, answer it.
A No.

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[606] SY COHEN

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

TRIAL EXAMINER: Be seated and give us your full name.

THE WITNESS: Sy Cohen.

TRIAL EXAMINER: And your address?

THE WITNESS: 602 Warren Street, Hudson, New York.

DIRECT EXAMINATION

Q (By Mr. Green) Mr. Cohen, by whom are you employed?

A Textile Workers Union of America.

Q In what capacity?

A Representative.

Q How long have you been employed by that union?

A Twenty odd years.

Q Mr. Cohen, are you familiar with the Wilder Company?

A Yes.

Q Do you know Mr. Walter Derse?

A Yes.

[607] Q Would you please tell us how you first met Walter Derse, the circumstances, what happened?

A On October 12th we went to the company plant and asked for Mr. Derse.

Q "We"?

A Myself and William Hissam.

After some waiting he arrived. We introduced ourselves to him.

TRIAL EXAMINER: Mr. Cohen, tell us what you said rather than what you did.

THE WITNESS: Well, I told him I was a representative of the Textile Workers Union and that a majority of his employees designated us as their bargaining unit, we would like to talk to them.

Q So what happened?

A We went into his office.

Q Excuse me, we have sort of been interrupted. Why don't you start from the beginning and give us what happened.

TRIAL EXAMINER: Mr. Cohen, before you resume your testimony, would you tell us who was present besides yourself?

THE WITNESS: Mr. Hissam was present with me.

TRIAL EXAMINER: Just you and Mr. Hissam?

THE WITNESS: Yes.

[608] TRIAL EXAMINER: This is on what date?

THE WITNESS: October 12.

TRIAL EXAMINER: Where did you first meet Mr. Derse?

THE WITNESS: At the company plant.

TRIAL EXAMINER: Was it in his office or some other place?

THE WITNESS: No, his office, in the lobby of his building, and then he took us into his office or escorted us into his office.

Q (By Mr. Green) What did you say to him, what did he say to you? Start from the beginning.

A Well, I told him that we represented a majority of his employees and we'd like to work—sit down and discuss the—ask for recognition. I presented to him signed cards, designation cards. There were eleven signed cards and two unsigned cards in the deck.

We discussed the matter for awhile. This conversation had basically stated that he could not take care of this by himself, he would have to discuss this with his brothers, and that one brother was out of town.

TRIAL EXAMINER: What did you do with the cards?

THE WITNESS: I presented it to him by laying it on the table.

Q What did he do?

A He picked it up and went through them.

[609] TRIAL EXAMINER: At any time while he was going through the cards did he mention the name of any individual who appeared on the cards?

THE WITNESS: No, didn't mention the names, but he did notice the fact that there were two blank cards in the deck.

TRIAL EXAMINER: Did he take enough time in going through the cards to have observed the signers?

THE WITNESS: Oh, yes, by all means.

TRIAL EXAMINER: Go ahead.

THE WITNESS: We were in there twenty minutes to a half hour.

Q (By Mr. Green) Where was these two blanks?

TRIAL EXAMINER: There was not an objection made to that question, but I would sustain it if one was made. I think the only pertinent evidence is what transpired in that room.

Q Go ahead.

A I told him we had the majority, we're asking for recognition for the production and maintenance employees. He questioned the two blank cards, and I told him they're in there because two people who were signified they were going to sign.

We haven't been able to get their signatures as yet and that is how they happened to be there. Kept talking about [610] recognition, never raised the question of majority, never raised any question.

MR. ROSENTHAL: Objection, witness is testifying as to conclusions now.

TRIAL EXAMINER: Yes.

Just tell us what he said. We will be able to draw inferences from what was not said.

THE WITNESS: He said he would have to discuss this with his brothers and family, and I kept pushing the fact, "Well, why don't we discuss this now?" I even asked him if he had an important order would he have to wait before he does anything to take it up with his brothers and his family, and kept moving on that line, and I got the same answers, he'd have to take it up with his brothers and he kept moving on out.

We also asked him at the time if we could bring in a member, some members of the work force with us into the room, and he denied us that privilege, he said, no.

TRIAL EXAMINER: Was there anything said about when he might be in a position to give you a firm answer as to what the company's position was going to be?

THE WITNESS: No. I asked for that. I said, "Would you be able to then give me an answer tonight, would be be able to give me an answer tomorrow?" And he kept saying he does not know, and he would not give me a firm position.

[611] TRIAL EXAMINER: Did he say why he did not know?

THE WITNESS: He said his brother was away out of town and he couldn't get in touch with his brother. This was part of the conversation with the orders. As I kept, I kept asking, "If you had an important order, you mean you couldn't get in touch with your brother on that?" I kept moving in that vein hoping to pin down a time for a meeting or discussion with him on this matter. It just was to no avail.

TRIAL EXAMINER: His response was what? How was it left when you walked out? What was the last thing said by him, last thing said by you?

THE WITNESS: I said to him, "If I can get no decision from you, the boys may take the position of a strike."

MR. GREEN: Go on, I'm sorry.

THE WITNESS: And he actually said, "If this is what they want, that's it."

I said, "I'd like to know a date, otherwise I have to take this matter up with my State Director. I would like to know what date you can give us, whether you do—" or some sort of comment, and there was no comments coming, and the only thing was time, he has to take it up with his brothers.

TRIAL EXAMINER: Was there anything said in the [612] conversation which would have advised Mr. Derse that the minute you walked out of the room the employees were going to strike?

THE WITNESS: Yes, I would gather there was, yes, because I told him that because of the—unless he gives me a definite answer of time, I'd have to take this matter up with the State Director and I'd also mention the fact that the—there would be a strike.

TRIAL EXAMINER: Was that all that was said on the subject of strike?

THE WITNESS: What?

TRIAL EXAMINER: Was that all that was said on the subject of strike?

THE WITNESS: Yes.

Q (By Mr. Green) You said "definite time," what did you mean by that?

A Answer—tell us whether he would recognize us or after he discovered it or wouldn't recognize us or whatever came up. I asked for recognition, and all I got was a negative reply. He didn't say anything negative to the facts of recognition, he kept negative on the fact that he needed time, and knowing the background here, I had to make a decision.

Q What, if anything, was he doing with the cards during this examination?

[613] A He was scrutinizing them all during the conversation. In fact, he put them down once and picked them up again.

Q Did he talk about anything else?

A Yes. We asked if we'd be able to contact one of the people in his shop, and he said—at first he said no, and then he more or less, we kept pushing on that, and he said, "If it's important, you contact him. We'll see." He did not say, "You can't contact him." If somebody's mother is sick or there is an accident in the factory. We don't allow telephone calls for the workers. Sometimes if it's important we do.

We left in an amicable manner as if so say you will call maybe you won't and left on that basis.

TRIAL EXAMINER: Did you indicate to Mr. Derse what your purpose was in contacting the employees in the plants?

THE WITNESS: No.

TRIAL EXAMINER: I take it you did not ask Mr. Derse for permission to bring any of the plant employees into this meeting.

THE WITNESS: Yes, we did, I mentioned that a few moments ago.

TRIAL EXAMINER: What did you say on that subject?

THE WITNESS: I told him that we'd like to bring a few employees in with us, and he said no on that, they are on production and we wouldn't interfer with that.

[614] TRIAL EXAMINER: All right.

Q (By Mr. Green) Mr. Derse kept talking about his brother being away. What, if anything, was your response?

A I think I answered that I kept asking as far as important matters of business, if he had any what would he do.

Q In other words, you asked him to call him?

A Yes.

Q How long would you say this meeting took place?

A Meeting, about half an hour.

Q What happened, what did you do after you left?

A Well, I called the State Director—

Q From where, sorry?

A From an outside pay phone.

Q In other words, you and Hissam left?

A Yes.

Q Then what did you do?

A We discussed the matter, and after I called the State Director, Hissam made a call to the plants to call one of the workers and informed him of the company's answer.

Q Yes.

A Then bu the time I made another telephone call and by the time I got back to the plant—

Q I'm sorry, did you call Derse again that day?

A Yes, that's correct.

Q What was the conversation then? If you can recall?

[615] A I told him of our—that the director and I had a discussion and told him of the decision that we came to the conclusion that he was stalling us and on that basis that he refused recognition and on that basis there was no other alternative but to call a strike until he recognized us.

TRIAL EXAMINER: How long was that after you had your first conversation with Mr. Derse?

THE WITNESS: I would say fifteen minutes.

TRIAL EXAMINER: What was his response?

THE WITNESS: It was a blanket response, is if, do as you please. There wasn't much response.

TRIAL EXAMINER: What did he say?

THE WITNESS: There was no answer as such.

TRIAL EXAMINER: He said nothing?

THE WITNESS: His answer, from what I can recall at this point, was a negative reply on the basis of —"Do as you please," or something like that, and let it go at that.

Q (By Mr. Green) Going back to that meeting, I am sorry, you showed him the cards?

A Yes.

Q What, if anything, did Mr. Derse say about these cards? Or did he say antyhing?

A Don't recall.

[616] Q Did he say anything about the blank cards?

A Yes.

Q What did he say?

A He asked why those blanks were there and I mentioned the fact that we had two other people signify that they were willing to sign cards and they were in there for that purpose on this.

Q Aside from this one thing about the blank cards, did he say anything else about the cards?

A No.

Q You said that you asked for recognition amongst production and maintenance workers.

MR. ROSENTHAL: Objection, must counsel keep repeating. He has gone over it twice already.

TRIAL EXAMINER: I will sustain the objection.

Q What did Mr. Derse say about the unit you requested?

A Nothing.

Q The following day did you have occasion to speak to Mr. Derse?

A Yes, I called him the following day—

TRIAL EXAMINER: Before we get to the following day. You talked to him how many times on the first day?

THE WITNESS: Twice, once on the phone and once in person.

TRIAL EXAMINER: After you talked to him on the phone then [617] what did you do?

THE WITNESS: I went down towards the picket line—

TRIAL EXAMINER: Was the picket line there before you talked to him the second time?

THE WITNESS: No, it probably was—no, because as Hissam talked to this person I picked up the receiver and called Mr. Derse, and the whole difference was less than a minute.

TRIAL EXAMINER: You mean it was simultaneous, while you were calling Mr. Derse Hissam was calling people out on strike?

THE WITNESS: No, Mr. Hissam reported the actions of the company to one of the employees. As Mr. Hissam put the phone down I picked up the phone, inserted a dime in the coin box and called Mr. Derse.

Q (By Mr. Green) Did you hear Mr. Hissam talk to this employee?

A Right.

TRIAL EXAMINER: Just before you talked the second time to Mr. Derse?

THE WITNESS: Right.

TRIAL EXAMINER: Will you tell us, to the best of your recollection, what Mr. Hissam said to the employee.

THE WITNESS: He told the employee, he relayed the, let's say, the conversations that went on between myself and [618] Mr. Derse at the company office.

TRIAL EXAMINER: Did he make any reference to the employees staying in the plant or coming out of the plant?

THE WITNESS: No, I don't think he had to make reference to it one way or the other because they already made a decision. He explained it to them, and their decision was that they would walk out if they didn't get recognition.

TRIAL EXAMINER: The conversation between Mr. Hissam and the employee he called, you heard no reference to a walkout? Is that right?

THE WITNESS: No, I didn't say that.

TRIAL EXAMINER: Tell me what it was.

THE WITNESS: Let me say this, in my own mind I knew what the consequences was going to be, and

whether he referred to it in such or referred to it without describing the thing as so didn't matter because didn't impress me one way or the other, I knew what's going to happen.

TRIAL EXAMINER: In your mind you knew that if he called the employees they'd go out on strike, is that what you are saying?

THE WITNESS: There is, in my mind, what the employees said they were going to do.

TRIAL EXAMINER: If you were aware of that fact, why did you not call Mr. Derse before Mr. Hissam called the [619] employees?

THE WITNESS: I think our job was to represent these people, and I think if we were able to give a message to these pepole first and also probably at the time I figured if I talked to Mr. Derse and told him what we were going to do we probably wouldn't have been able to contact the people in the plant. Maybe this was it. This seems the most logical in my might right now. Wouldn't it in yours?

TRIAL EXAMINER: I am simply trying to find out what motivated you to get them out of the plant so rapidly.

THE WITNESS: I will give you the motivation, if you wish. Ask the question.

TRIAL EXAMINER: He wanted to talk to his brother.

THE WITNESS: The past history is here every time we tried to organize this shop. People were hired or our majority was—

MR. ROSENTHAL: I object.

THE WITNESS: A question was asked by the examiner what motivated and I am answering.

MR. ROSENTHAL: Fine, I will cross-examine you on that point.

TRIAL EXAMINER: We have evidence now that the employees signed strike authorization because of the fact that they felt that their union organizational drive would [620] fizzle out if they didn't.

But, in any event, your testimony is that the employees were on their way out before you called Mr. Derse to tell him the union was going to strike; is that correct?

THE WITNESS: No, we informed the workers what would happen. I called Mr. Derse and told him what our decision was.

Now, there could just as well have been that the workers didn't walk out.

MRS. MORIO: Mr. Trial Examiner, the witness testified that he told Walter Derse during the first meeting that it was possible for the employees to walk out. I don't remember his precise language.

TRIAL EXAMINER: I remember his testimony, and the witness is very capable of putting his thoughts into words.

THE WITNESS: Thank you, sometimes I wonder.

TRIAL EXAMINER: Very well, go ahead.

MR. GREEN: Where were we?

TRIAL EXAMINER: The second conversation.

Q (By Mr. Green) You had a second conversation with Walter Derse?

A I called him again, asked him if he heard anything from his brothers. I told him, "As a matter of form I am asking you for recognition once more. I have additional cards [621] that I expected yesterday, I have them today." And they are ready for his scrutinization or review or whatever may be, and he told me that he was not able to make any—he had no answer for me at this time on this basis. I asked him if he made contacts with his brother. He said no, and talked about that. I also—what else? I also told him that I surely wouldn't like to see this thing continue, I'd like an answer as quickly as possible as I'm going away for two or three days to a states convention and would like an answer before I go.

I also mentioned that I might be in the Port Jervis area, and he says, "Wonder if I should call him," and he says, "If you want to call, call, if you don't, don't." On that basis, and left me with the impression that it would be futile for me to call him, maybe when he was

ready he would call me, and that was about the answer on that basis.

Q Did he ever call you?

A No, he has never called me.

TRIAL EXAMINER: Will you tell me, were there any comments made about the fact that there was a picket line out in front of the plant?

THE WITNESS: No.

TRIAL EXAMINER: Did you not mention that to him at all?

THE WITNESS: No.

[622] TRIAL EXAMINER: And he did not mention it to you?

THE WITNESS: No.

Q (By Mr. Green) Did you say anything about the units requested? The units that you requested, did he say anything to you?

A I mentioned that to him.

Q No, but did he say anything to you?

A Not ready, didn't contact his brother, and that was the basis, and this was his complete answer.

Q Did you have occasion to speak to Walter Derse again?

A I'd like to state this, I also contacted the Federal Mediation—

MR. ROSENTHAL: Objection, not responsive to my question. It's irrelevant and immaterial.

TRIAL EXAMINER: Sustained.

Q Please answer the question as to whether or not you spoke to Walter Derse again.

A Yes, I did.

Q Will you describe the circumstances on that, when that was?

A Well, Mr. Rubinstein and myself after a meeting in another plant in the area—

TRIAL EXAMINER: What was the date, Mr. Cohen?

THE WITNESS: You got me. I don't recollect the date offhand. If I can get my notes I can give it to you.

[623] TRIAL EXAMINER: You may check your notes and give us the dates.

Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

THE WITNESS: I do know as we—

TRIAL EXAMINER: Were you going to tell us the dates?

THE WITNESS: I can't give it to you, I don't have my records.

TRIAL EXAMINER: Can you give us an approximation of it? How long after the strike, about?

THE WITNESS: I think it was within a month.

TRIAL EXAMINER: All right.

Now, tell us what the conversation was, as Mr. Green asked you.

THE WITNESS: We went up to the plants, the Wilder's plants, and we talked with some of the strikers, and they told us that Mr. Derse was out. Within a few minutes, while we were standing there, we seen him arrive, and we walked towards him.

At this time Mr. Hi-sam joined us, too, and said, "Hello," and started to walk, and Jack asked him ready to sit down and recognize us, talk to us, and he pulled out a paper out of his shirt pocket with the name of his attorney on it and turned it over to Mr. Rubinstein and stated, "I [624] have nothing to say, contact my attorney."

Q Is that the extent of the conversation?

A That was the extent of the conversation.

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[665] WALTER DERSE

a witness called by and on behalf of the Respondent, having been previously sworn, resumed the stand and testified as follows:

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[691] REDIRECT EXAMINATION

Q (By Mr. Rosenthal) Mr. Derse, what is your official title with Wilder Manufacturing Co., Inc.?
A I'm Secretary.
[692] Q Are you a stockholder?
A I am.
Q Can you tell me who the other stockholders are?
A Robert Derse, Arthur Derse, Jr. and Arthur Derse, Sr.
Q What is the proportion of stock, purchase wise, held by each stockholder?
A My father has the controlling interest.
Q You father owns over fifty-one per cent of the stock?
A Yes, and he has the controlling interest.
Q Could you tell me which individuals comprise the board of directors of the company?
A Arthur Derse, Sr., Robert Derse and Walter Derse.
TRIAL EXAMINER: Mr. Green, I notice that Arthur F. Derse, Sr., has been made a respondent. Is it the General Counsel's position that in the event the Trial Examiner recommends that an order be issued in this case that it be issued against Arthur F. Derse, Senior, President?
MR. GREEN: Yes.
TRIAL EXAMINER: On what basis?
MR. GREEN: He is an employer within the meaning of the Act.
TRIAL EXAMINER: An employer within the meaning of the Act?
MR. GREEN: Section 2(2) of the Act.
TRIAL EXAMINER: What facts support that conclusion?
[693] MR. GREEN: He owns the majority of the stock, and is the president of the company.
TRIAL EXAMINER: That is the fact that you base that conclusion on?
MR. GREEN: That's right.
TRIAL EXAMINER: All right.

Q (By Mr. Rosenthal) Could you tell me how old your father is, Mr. Derse?
A On October 12th of 1965 he was 78 years old.
Q Could you tell me to what extent he is—to what extent prior to October 12th he was actively engaged in the business other than being the president?
A He was not actively engaged. Come in occasionally whenever he felt.
Q What duties of specific functions definite?
A Only president, that's all.
MRS. MORIO: I am sorry?
THE WITNESS: Only president. Had no other duties.
Q For how many years prior to October 12th, 1965 did your father have an inactive status in the business?
A Well, I would say that for a period of fifteen years my mother was confined, he was in and out a great deal and he didn't take a real active part. I would say in the last four, five years he didn't take an active part. This is merely quessing. I can't pinpoint any year.
[694] Q For quite a period of time he has been inactive?
A Yes.
Q Tell me what the policy or practice of the corporation is with regard to the making of policy decisions in the business?
A Any policies are made by our executive control, and these policies are made at the meetings that we have, my two brothers, myself, and my father, if he is available. They are made only in the evenings. The reason for that is that we do not have any private or soundproof offices, so all of the major policies are done at that time.
Q What office does your brother, Arthur Derse, Jr., hold?
A He's vice president.
Q And Robert Derse?
A He's treasurer.
Q Will you describe the duties and area of responsibility of Arthur Derse, Jr.?

A Arthur Derse, he is in sales and engineering, he handles the purchasing department and the purchasing and he does research and development on new items.

Q Your brother Robert, what are his duties and functions?

A Robert is the treasurer and he is the comptroller. He handles the money.

Q Does he also handle the payroll and the payroll records?

A It comes under his jurisdiction.

[695] Q Will you tell me what your duties and function are?

A Well, I'm the sales and advertising manager, and I am also the general manager of the operation.

MR. GREEN: I am going to object, this is conclusionary. I don't know what he does.

TRIAL EXAMINER: You may go into it on cross-examination, I think generally the term general manager is pretty wellknown.

Q A general manager, what specific areas of responsibility do you have?

A I'm responsible for the entire operation, the sales, the advertising, production and all problems relating to anything of this nature is under my jurisdiction.

TRIAL EXAMINER: Is your father, who is the president, superior to you?

THE WITNESS: Yes, he is, he's superior to me. I act a great deal as his right arm, let's put it that way.

TRIAL EXAMINER: You are the individual who is next under him in command; is that right?

THE WITNESS: That's right, but I must keep him constantly informed as to what goes on.

TRIAL EXAMINER: Very well.

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[756] WALTER DERSE

resumed the stand and testified as follows:

DIRECT EXAMINATION

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[758] Q Can you tell us the names of the employees who returned to work and when they returned to work?

A I can tell you who. Frank Tonkinson and Irv Hughson were the first two to come in.

Q When did they return?

A I'd say it was in January, I believe, January.

Q All right.

[759] A The next one was Shaw, I believe went and came next, and I believe that was in, oh, the latter part of March, early April.

Stempert came back, Ehre and Hicks came back, although they also requested to know whether they couldn't get more money, and we said we could not take them back on that, they would have to come back the same manner that they left, and they are back, I would say, about five weeks, something like that; and Vandermark, he's probably back three weeks.

Q How about Hernsdorf?

A Hernsdorf came back, he came back and he was there just a day and a half.

TRIAL EXAMINER: What happened to him?

THE WITNESS: Well, he called me up and said he was too nervous, he was afraid that if he—

MRS. MORIO: I object, this is hearsay.

MR. GREEN: This is hearsay.

MRS. MORIO: Unless he is going to call Mr. Hernsdorf as his witness.

MR. ROSENTHAL: We already got testimony on the record.

MRS. MORIO: Not on any phone conversation he had with Mr. Derse.

TRIAL EXAMINER: Complete your answer. Then I will listen to arguments.

THE WITNESS: He told me he was too nervous to come [760] back, he thought he ought to stay away. He had had these threats and he felt it was best not to come back, so he only worked a day and a half.

MRS. MORIO: We renew our motion and move to strike it on the grounds that it is hearsay.

TRIAL EXAMINER: Your motion is overruled.

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[816] Q Will you describe the events of the morning of October 12th, 1965 from the time that you arrived at the plant at approximately twenty-five to ten, you say?

A Yes.

Q Tell us exactly what happened after that.

A I arrived at the plants at twenty-five minutes to ten. I went into the lobby and then into the office, and I was stopped by one of the girls, and she said to me, "Do you know a Mr. Cohen?"

And I said, "I know several Mr. Cohens. Did you ask his where he was from?"

[817] She said, "He wouldn't tell me."

Well, I said, "Where is Mr. Cohen now?"

She said, "He is out, but he will be back."

I said, "All right, I'll go into my office and when he returns let me know, but please try and find out where he's from."

So about five minutes later, approximately five minutes later, she got ahold of me and said, "Mr. Cohen is outside, he has somebody with him."

Well, I said, "Did you find out what company is he with?"

She said, "He wouldn't tell me."

Then I said, "Well, I'll have to go out and find out what his mission is."

I went out into the lobby, and these two men were there and I asked them—

TRIAL EXAMINER: Excuse me for interrupting you at the point, but which one of the employees brought the message to you?

THE WITNESS: That was Yvonne Flannery.

TRIAL EXAMINER: All right, go ahead.

THE WITNESS: I went out and I asked what their mission was, where they were from, and Mr. Cohen introduced himself. He said he was Sy Cohen, and this was Mr. Hissam.

I said, "What is your mission?"

[818] Well, he said, "We're from the Textile Workers Union. We have something of mutual interest."

I says, "What do you mean?"

Well, he says, "We represent a majority of your employees, and we want to know whether you will recognize us as their bargaining agent."

Well, our lobby is rather small and I invited them into my office. I have a small conference table, two and a half feet by four feet, and I sat at one end and invited Mr. Hissam to sit at the other end and Mr. Cohen sat to my left.

• • • •

I asked him to repeat his mission, and he said, "We represent a majority of your employees, and we want to know whether you will recognize us as their bargaining agent."

I said, "Mr. Cohen, this is a corporation. And I have absolutely no authority to answer that question."

He said, "In other words, you refuse?"

I said, "I didn't refuse. I said I did not have the authority to answer that question."

It would be necessary for me to bring the other principals of this company and pass the information to [819] them for a decision as to how—what they would do, but I cannot give them an answer.

He says, "You know, if you refuse, we'll file unfair labor practice charges."

I said, "There's nothing I could do about it. I have no authority."

Well, he said to me, "Don't you act in emergencies?"

I said, "This to me is not an emergency."

He kept on asking, and I kept saying, "I don't know."

He said, "When will you let me know?"

I said, "One brother is in Atlantic City and I don't expect he will be back until tomorrow," and knowing that we could only get together Wednesday night I told

him the earliest I could do it was on Thursday, I could have an answer on Thursday.

He said, "I can't wait that long." He said, "I have to know. I will give you one hour. Would you rather have the men wait outside?"

I said, "I cannot do anything about it, I cannot answer the question you ask me."

* * * *

[820] I said, "I have no authority to let you talk to these men outside. The policy of our company, again I have no authority to let you inside to talk to these men. At twelve o'clock they come out to lunch, and you can talk to them, if you want outside, but I cannot permit you to do that. I have to get that authorization."

He said, "Can we call somebody in there?"

I said, "We have a policy that the only calls that are permitted to employees are emergency calls," I said, "Usually a child is sick and they want to get the father or if a boiler blew up or something like that, why, we will permit that to go through." I says, "The way that is done, you call up the operator. If it is an emergency she will give it to Jack McCaslin who will pass it on to the proper employee."

I took the cards, shoved them back. He picked them up and with that they got up. They walked out. I judge this was approximately about ten o'clock or ten after ten. We spent, I would judge, about twenty minutes, twenty-five minutes at the most.

At twenty-five minutes past ten a telephone call came through the board. According to our records it's a Mr. Cohen who called up—

Q Let me stop you there a moment.

How are you sure of the exact time of telephone call? [821] Did you keep a phone record?

A We keep a phone record of every call that comes in, and teh girl—I give you a copy of it.

Q On this telephone record, is there any indication of the time and the name of the person who calls?

A Yes.

Q Continue your testimony. You say at ten twenty-five a telephone call came in?

A It came in, and on a sheet you will note that this came in and went directly in and was answered by Jack Munoz. At ten twenty-six, one minute later, a call come through again from Mr. Cohen directed to me, he told me before he went out that in order to extend this he would have to talk to Jack Rubinstein and get permission from him to hold the strike—

MRS. MORIO: Excuse me, Mr. Trial Examiner, I'm not clear, did he say in the phone call or earlier?

THE WITNESS: No, he said earlier in my office that he would have to find out and call his superior, Mr. Rubinstein, to find out whether or not they could wait until we could give them a bona fide answer.

He called me at twenty-six minutes past ten, again on the entry there.

Immediately after they talked to Jack Munoz, and told me that their boss said they could not wait, that they were [822] going to pull the men out.

Now precisely at that same time the cards of the men that went out was punched at ten twenty-six.

MR. ROSENTHAL: At this point would the reporter mark for identification as Respondent's Exhibit 6 this document.

(Thereupon, document referred to was marked Respondent's Exhibit No. 6 for identification.)

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

The parties have stipulated that the Respondent's Exhibit No. 6 is an authentic copy of Mr. Munoz's—Jack Munoz, is it?

MR. ROSENTHAL: The time card for the week ending October 16th, there is an entry on here showing what time he punched in and what time he punched out on the second day of the work week which was Tuesday, October 12th.

TRIAL EXAMINER: That stipulation agreeable to the General Counsel?

MR. GREEN: Yes.

TRIAL EXAMINER: Yes, very well. It is accepted in evidence.

MR. ROSENTHAL: Let the record indicate that Mr. Munoz punched out at ten twenty-six.

[823] TRIAL EXAMINER: Are you offering the exhibit?

MR. ROSENTHAL: Yes.

TRIAL EXAMINER: Is there any objection to the receipt of General—of Respondent's Exhibit 6?

MR. GREEN: No.

TRIAL EXAMINER: If not, it is received in evidence.

(Document heretofore marked Respondent's Exhibit No. 6 for identification was received in evidence.)

TRIAL EXAMINER: Off the record.

(Discussion off the record.)

TRIAL EXAMINER: On the record.

The exhibit is the time card of Jack Munoz, is it not, Mr. Rosenthal?

MR. ROSENTHAL: Yes.

TRIAL EXAMINER: Very well.

Q (By Mr. Rosenthal) Tell us anything else you can remember about the telephone call that came from Mr. Cohen on the 10:26 on the morning of October 12th?

A Merely told me that he had contacted Mr. Rubinstein and Mr. Rubinstein had said that couldn't wait any longer and that they were pulling them out.

Q Did you say anything in reply?

A All I said was, "Nothing I could do about it."

Q Now, did you have any further conversation with Mr. [824] Cohen on October 12th?

A No further conversation with Mr. Cohen.

Q On October 12th?

A On October 12th.

Q Did you have a conversation with him on the following day, October 13th?

A Yes, he called up on the telephone.

Q That was the next time you spoke with him?

A That was the next time we spoke.

Q Let's go back to October 12th. At the time that the employees went out on strike, did you make any attempts to contact your brothers and your father?

A I was unable to contact one that was out of town.

Q That would be Arthur Derse, Junior?

A Arthur Derse, Junior.

Q Did you attempt to make any attempts to contact him?

A Only later I laid a note on his desk to call me if he got in at night or early in the morning, he should give me a call.

I put this on his desk. I didn't know whether he was coming back or not late at night or whether he would only be in the mornings, but I left a note anyway.

Q Did you subsequently speak with Arthur Derse, Junior, later in the day on October 12th?

A On October 12th late that night he called me and I told [825] him he had stopped at the plant late that night, and I told him what had happened, and he said that he saw something was wrong and I said that we would have to get together on Wednesday night, the four of us, and I would let them know just what had taken place.

Q On the 13th of October you received a telephone call from Mr. Cohen; is that correct?

A That's correct.

Q What did you—what time did you receive the call?

A Eleven twenty-five.

Q What did Mr. Cohen tell you at that time and what did you say to him?

A Well, Mr. Cohen asked me if we had made up our mind, and I said, "No, my brother had not as yet returned, that I couldn't talk to him, that we would get together that night and I could only answer him the next nights. That was the earliest I could tell him." That was the extent of the conversation.

He wanted me to again agree to recognition, and I said I just couldn't do it until a decision was made. We would get together that night.

* * * *

[827] Q Did Mr. Cohen or Mr. Hissam or any other union official offer to have you count or check their cards again?

A No.

Q On October 13th, on the evening of October 13th, rather, did you, in fact, have a meeting with your brothers and father regarding the union situation?

A Yes, we did.

Q Did you make any decision or did you come to any conclusion with regards to whether or not the union represented a majority of your employees?

MRS. MORIO: Mr. Trial Examiner, I object to the form of the question. Can I ask what happened at the meeting? He is asking what the final thing is.

TRIAL EXAMINER: Will you read the last question back, Mr. Reporter?

(Record read.)

[828] TRIAL EXAMINER: I think the question is proper, and you may answer it yes or no. Did you come to a decision?

THE WITNESS: As to whether we came to any decision—

TRIAL EXAMINER: Did you or did you not?

THE WITNESS: The only decision we came to was—

TRIAL EXAMINER: Just answer yes or not.

THE WITNESS: Yes.

TRIAL EXAMINER: All right. You may explain your answer now, if you destire to.

THE WITNESS: We came to a decision that we doubted this majority.

MR. GREEN: I object, why doesn't he testify what was said at this meeting?

MR. ROSENTHAL: That is perfectly all right with me.

MRS. MORIO: Let him say what happened.

Q (By Mr. Rosenthal) Mr. Derse, will you relate the conversation that you had with your father and brothers concerning your decision that you doubted that the union had a majority? Tell us what was said at this meeting.

A Well, we discussed the—and we doubted very much that Mr. Cohen had said that they had a majority.

Q Will you discuss the fact of how many employees—

MR. GREEN: I object, he is leading the witness.

TRIAL EXAMINER: Mr. Derse, so that we can get beyond [829] this hurdle, would you relate to us as nearly as you can remember a conversation of the individuals who were present at the meeting, and who said whatever that individual is supposed to have said.

Go ahead.

THE WITNESS: Well, in our discussion they said, "Well, how many fellows were out?"

Well, I said, "It looks to me like about ten or eleven, and we're thirty-four people. Dropping us four as officers we still have thirty."

Now, simple mathematics, eleven is not a majority of thirty, so we doubted it very, very much.

* * * *

[835] Q Let's go forward. When is the next time, after October 13th that you had any conversation with Mr. Cohen or Mr. Hissam or Mr. Rubinstein for that matter?

A October 25th.

Q Tell us about that conversation.

[836] A I was out to lunch. I drove back in to the parking lot, and as I got out of the car I heard my name mentioned and I stopped, and Mr. Hissam, Mr. Cohen, Mr. Rubinstein walked over to the car, told—called my name and I stopped.

Jack Rubinstein said, "I'm up in the area on some other matters, and I wonder if you made a decision."

I said, "I have no comment to make."

I pulled a slip out of my pocket and handed it to him with the name of Friedlander, Gaines and Ruttenberg, with the phone number, and told him he should contact our attorney.

TRIAL EXAMINER: Do you remember when that took place?

THE WITNESS: Around the 25th of October, around one-thirty.

Q Was there any other conversation between yourself and the union delegate?

A From that time on?

Q No, on October 25th.

A No, no.

Q Did they demand recognition again on that occasion?

A No, they asked whether I made up my mind.

Q They made no further clarification of what they meant?

A No, I just told them they have to contact our attorneys.

Q Did you have a conversation with Frank Tonkinson [837] shortly after this strike began?

MR. GREEN: I object, it is hearsay.

TRIAL EXAMINER: How could it possibly be hearsay if he just asked him the fact whether he had a conversation.

Go ahead and answer the question.

Overruled.

Q (By Mr. Rosenthal) Shortly after the strike began did you have a conversation with Frank Tonkinson?

A Yes, I did.

Q Can you tell me when the conversation took place?

A Came in for his pay, and I believe it was on October 20th—the second week, the 20th—he came in for his pay came in to the office and asked for his pay. He was there, he made some mention that—

MRS. MORIO: Objection, now the witness is testifying to hearsay, Mr. Examiner, and I move that unless he is going to have corroborating evidence he not be permitted to testify. It is clearly hearsay.

TRIAL EXAMINER: It seems to me that this evidence is gone into during General Counsel's case.

MRS. MORIO: By the respondents, Mr. Trial Examiner. He made Mr. Tonkinson his witness. He asked him on direct—on cross-examination questions which were

not put to him on direct, and Mr. Tonkinson answered that he had no conversation with Mr. Derse.

[838] MR. ROSENTHAL: What?

MRS. MORIO: If Mr. Rosenthal wants to impeach Mr. Tonkinson who became his own witness that is what he is doing.

TRIAL EXAMINER: I will allow the question.

MR. ROSENTHAL: You better read the record.

MRS. MORIO: I did. You thought he testified, but he didn't.

Q (By Mr. Rosenthal) What did he say on that occasion?

A I gave him his envelope. He said to me—I didn't question him. He offered this information. He would have liked to come back to work, that he did not go out of his own accord. He did not know anything about this, but he was afraid. He only owned one car, and he and his wife—his wife needed that car to go to work, and he was not going to take any chances. He was afraid of damage to his automobile.

TRIAL EXAMINER: What date was that?

THE WITNESS: On the 20th, I believe the 20th that he came for his pay.

TRIAL EXAMINER: Of October?

THE WITNESS: Of October, yes.

Q Could it have been before the 20th?

A Well, to only other day that it could have been if he came in on pay day, sometimes these fellows, when they [839] were not around on pay day they would come on a Thursday or Friday or Monday and collect the pay for the previous week.

Q Did he come in on a regular pay day?

A I'd say so, I would say he came either on the 20th or— I doubt whether it was the 13th or not.

Q Could you say that it was either one of those two days?

A Yes, one of those two days, yes.

Q All right.

A All I told him the door was open, it was up to them.

TRIAL EXAMINER: Mr. Derse—

THE WITNESS: Yes.

TRIAL EXAMINER: —between the time Mr. Cohen —I think it was Mr. Cohen you handed the name of your attorneys to?

THE WITNESS: Yes.

TRIAL EXAMINER: Between the time on Wednesday night when you met with your brothers to decide what position to take and the time you spoke to Mr. Cohen as he was going into the plants and handed him the cards of your lawyers, had you made or had the respondents made or had any communication with the union during that period at all?

THE WITNESS: No, none at all.

TRIAL EXAMINER: All right.

[840] MR. ROSENTHAL: That is all.

Q (By Mr. Rosenthal) Maybe we better clarify that. Do you know whether your attorneys had any contacts with the union during that time, of your own personal knowledge?

A No, I don't know. I have no knowledge of that at all.

TRIAL EXAMINER: As far as you were concerned, neither you nor your brothers had any communication during that period?

THE WITNESS: I had no knowledge whatsoever.

* * * *

TRIAL EXAMINER: On the record.

(Thereupon, items referred to were marked Respondent's Exhibit No. 7 for identification)

MR. ROSENTHAL: The reporter has marked for identification what appears to be a galvanized roofing nail as respondent's Exhibit 7.

Q Mr. Derse, I show you Respondent's Exhibit 7 and I ask you if you can identify not—first, this specific nail, if it was one of a group, tell us the one of a group.

[841] A It is one of a group, yes.

Q Tell us how many of these roofing nails, approximately, are in this group first.

A Approximately four pounds.

Q Can you tell us approximately how many individual nails would be in four pounds?

A I could not tell you.

Q Did you weigh the group?

A I weighed the box, the group, yes.

Q Tell us, if you please, when was it that you saw these for the first time and where you saw them?

A I saw those roofing nails for the first time. I was called up at my home prior to eight o'clock on November 4th, I believe.

MR. GREEN: Eight o'clock when, a.m. or pm.?

THE WITNESS: November 4th, prior to eight o'clock.

Q A.M. or P.M.

A A.M.

Q Who called you first?

A Harold Lauer called me, because he got in about ten to eight.

Q You got to the plants?

A There were nails all around.

I said, "Leave them right where they are, I'll be right down."

[842] I came down as soon as I saw it I called the police department. This is right on record with the Port Jervis Police Department.

Q Where were the nails?

A The nails were strewn in front of the building, in the parking lot area in front of the building, they were strewn all along the west side of the building, they were strewn where a loading dock was for shipping, they were in the back of the building and they were along the alley adjacent to the railway.

Q How about the driveway as you enter the parking lots?

A The driveway to the parking lot had some in, but they were basically where you would park cars.

Q You say also you found them around the loading docks?

A They were at the loading docks, receiving and shipping both.

TRIAL EXAMINER: What date was this?

THE WITNESS: November the 4th. If I could refer to my notes—

Q Go ahead, if you have any notes that would help you.

A Yes.

November 5th, this is on the 5th of November, on the police blotter.

TRIAL EXAMINER: Very well.

MR. ROSENTHAL: I move that respondent's Exhibit No. 7 [843] be accepted into evidence.

MR. GREEN: I object. Can we have voir dire?

TRIAL EXAMINER: Yes.

VOIR DIRE EXAMINATION

Q (By Mr. Green) Mr. Derse, do you know the names of those individuals who put these nails on your parking lots?

A Do I know who put them there?

Q Yes.

A No, that I couldn't tell you.

Q Did you give any names to the police?

A No, I did not.

Q Did the police ever arrest anybody for this?

A What was that?

A Did the police ever arrest anybody for this?

TRIAL EXAMINER: He means putting nails?

Q Did they ever arrest anybody for putting nails?

A Not to my knowledge.

• • • •

[846] TRIAL EXAMINER: Just a minute, would you let me finish.

I have the problem of determining whether or not this company acted in good faith when it refused to recognize the union, and I suppose that anything which reflects upon how the company came to its conclusion that the union did not represent an uncoerced majority would be material to making up state of the employer's mind, and I consider from this evidence, whatever the probative weight may be, is material in that aspect.

In that light I overrule your objection and admit Respondent's Exhibit 7.

[848] Q (By Mr. Rosenthal) Mr. Derse, a short time following this incident with the nails do you recall any other incident involving automobiles?

A Yes. On November 13th we were working several nights a week, and because of this previous incident, we suggested that all the cars of those people working at night be parked directly in front of the building.

Mr. Swingle, Mr. Lauer, were among these employees who were working, and I personally went out just prior to quarter to nine, which was our normal quitting time when working late and I took one look at two of these cars and two of them had flat tires, Mr. Swingle and Mr. Lauer.

I personally stood there while they changed them, and we found icepick had been driven through these tires.

Q Was—

MR. GREEN: I object.

A Right through the wall of the tire.

I told them to take the tires down and have them fixed, that we would pay for them.

[849] MRS. MORIO: Let me object to the whole line of questioning on the grounds that it is hearsay unless the witnesses to whom this happened are brought in as corroborating witnesses and unless Mr. Derse can testify to the facts that he was present and he saw who did this.

TRIAL EXAMINER: You may have a running objection to this line of questioning. Objection is overruled.

Go ahead.

Q (By Mr. Rosenthal) Now, Mr. Derse, was this incident reported to the police? To your knowledge?

A To my knowledge, no. This one I did not report. I had—a report is one thing. We had a police car there every day at opening, at twelve o'clock, at twelve forty-five. At five, at six o'clock at a quarter to nine.

Now, I didn't call the police station, I mentioned it to them. Whether he made a report out of it, that I cannot tell you.

[870] CROSS-EXAMINATION

• • • •

[917] Q Is that your answer anyway, Mr. Derse, your brother was back that evening on October 12th, wasn't he, Arthur Derse, Junior?

A That's right.

Q And you talked to him?

A That's right.

Q And he said—at the plant and you saw something was wrong?

A I was at the plants?

Q No, that your brother was at the plants?

A He stopped at the plants.

Q Right, and he saw that something was wrong?

[918] A That's right.

Q What time was that?

MR. ROSENTHAL: Objection, that's asking the witness what time his brother—

MR. GREEN: I asked him what time the call was.

TRIAL EXAMINER: What are you asking the witness now?

MR. GREEN: What time his brother called him.

MR. ROSENTHAL: I withdraw my objection.

TRIAL EXAMINER: What time did your brother call you on the night of October 12th?

THE WITNESS: I'd say between eight and nine o'clock at night.

TRIAL EXAMINER: Was it a phone conversation?

THE WITNESS: Yes.

TRIAL EXAMINER: Go ahead, Mr. Green.

Q He said he had already been at the plants; is that right?

A He was at the plant.

Q I take it you talked to your brother, you told him what the story was?

A Yes.

Q You told him there was picketing?

A I didn't go into detail.

Q All right.

TRIAL EXAMINER: I would like to know precisely what [919] you said to your brother on the phone. Would you tell us that?

THE WITNESS: I said he probably noticed that there was difficulty.

He said, "Yes, I saw something was wrong."

I said, "We have a strike." I said, "We are going to get together tomorrow night to discuss this," I says, "because I said I could give an answer—I couldn't give an answer, the earliest was Thursday," and as I testified yesterday we cannot discuss these things during the day because we do not have a soundproof office.

TRIAL EXAMINER: I would like to ask you this question. Did you between the time that Mr. Cohen came in and indicated to you that some employees had joined the union and your meeting on Wednesday night, did you during that period retain an attorney or not?

THE WITNESS: I called our attorney in Port Jervis who had handled all of our affairs, and I told him briefly what had happened. I called him on the 12th. It was a holiday. I had to go around to find him. I got him and he told me that this was something, this attorney told me that it was something that was out of his field, that it was a specialized field and that he could not handle it and that we should retain a law firm that was in a position to handle an item of this nature.

[920] HEARING OFFICER: Did you contact that law firm before Wednesday night?

THE WITNESS: No. We didn't—frankly, we didn't know where to start, see.

TRIAL EXAMINER: In other words, the decisions that you made on Wednesday night amongst the family in regard to this problem were decisions made without the advice of counsel; is that right?

THE WITNESS: The decisions we made Wednesday night?

TRIAL EXAMINER: Yes. Were decisions made without the advice of counsel?

THE WITNESS: Without the advice of counsel, yes.

TRIAL EXAMINER: Very well, go ahead, Mr. Green.

Q (By Mr. Green) On October 12th then Arthur Derse, Junior, Robert Derse, your father, they were all in Port Jervis?

A We was in Port Jervis.

Q You had already talked to them?

A I had talked to Robert and I had talked to father.

Q And you talked at some length—at least some length with your brother, Arthur, Junior?

A Late at night.

Q On October 13th Mr. Cohen from the union called you again, did he not?

A That's right.

[921] Q Why don't you tell me what he told you and what you told him?

A He just asked me whether we had made a decision and I said in my testimony you will notice that I said he had not returned.

Q In other words, you were lying to Mr. Cohen?

A I wouldn't say so, no.

Q You told him your brother hadn't returned and he had returned?

A I can't tell you what time he came into the office that day, I don't know.

Q He was in Port Jervis on October 12th, I believe that was your testimony.

• • • •

[923] Q No, I asked if anybody came to you and said they threatened me.

MR. ROSENTHAL: Objection.

A No, I testified nobody at the picket line.

Q Did Hughson ever come to you and tell you that he had been threatened?

A Hugdson did not tell me.

• • • •

[924] Q (By Mr. Green) Mr. Derse, did you tell Mr. Cohen on October 13th that the reason you could not respond to him was because your brother was still away?

A I said he hadn't returned.

Q On the 12th, didn't you tell Mr. Cohen that the reasons you could not respond was because it was a corporation decision and your brother was away?

A That's right.

• • • •

[939] REDIRECT EXAMINATION

• • • •

[951] Q Mr. Derse, on the evening of the 13th when you met with your family, your brothers and your father in particular—

A Yes.

Q —was a discussion held at that time about retaining attorneys to represent the firm?

A Yes.

Q Now, you said that on the 12th you contacted the general corporate attorney in Port Jervis?

A That's correct.

Q Did he give you any advice or did he tell you to do anything?

A He said that we should retain an attorney who was familiar with this matter, this part of the law.

Q Did he tell you anything else, did he give you any instructions?

A He told me that until we retain counsel we should make no further comment or do anything about this but just go and seek a competent attorney.

Q Fine.

On the 13th you say—was there a decision made among the executives to retain a labor specialist at the time?

[952] A Yes, the decision was made to retain a labor specialist.

Q What did you do following the meeting of October 13th to obtain an attorney, what steps did you take?

A Well, first I picked up the New York telephone book, the Red Book, and after I looked I put it right back on the shelf, because there's thousands of names in it and it would be impossible to select it.

Q Then what?

A Then I contacted—

Q When did you do this, by the way?
A On Thursday.
Q All right.
A I proceeded to contact—my business associates, members of the Rotary Club, to find out if I could get a recommendation, and I went to the vice president of the County National Bank whom we work closely with on matters, and he suggested I contact another member of the Rotary, and I said to him well, I wish you would probably intercede for me in this, if you will, and he said yes, I will try to get him.

We had another recommendation of another attorney, and finally on, I believe it was on Sunday that this party called me who the vice president of the County National Bank recommended and told me who his attorneys had been and recommended them very highly and suggested that I immediately make a contact. I said, would you please make [953] this contact for me, because you can have an introduction. He knows who I am, so he made that contact on Monday and I immediately called the firm of Fridlander, Gaines and Ruttenberg. We set up a date for Tuesday, and I went down to see Mr. Gaines, this was the 19th, I went to New York—

* * * *

GC 2A

WILLIAM POLLOCK
General President

JOHN CHUPKA
General Sec'y-Treas.

TEXTILE WORKERS UNION OF AMERICA

[TWUA Emblem]

99 University Place, New York, N. Y. 10003
OREgon 3-1400

November 3, 1965

Mr. Arthur F. Derse, Sr., Pres.
Wilder Mfg. Co., Inc.
Mechanic St. & Erie RR
Port Jervis, New York

Dear Mr. Derse:

Because of my inability to arrange a conference for the purpose of receiving recognition and entering into collective bargaining with your company which represents the majority of your employees, proof of which has been presented to you, I have found it necessary, at this time, to bring charges against your company for refusal to recognize the union's majority position in the plant.

Likewise I called the legal firm whose address you gave us, namely Friedlander, Gaines & Ruttenberg, 221 W. 57 Street, and spoke to Mr. Ruttenberg. I was unable to get any positive commitment from him regarding our union's recognition or as to any positive statement as to your company's willingness to sit down and meet with the union.

The company's failure to act in accordance with the provisions of the law which requires the company to recognize the union representing the majority of the com-

pany's employees leaves the union with no other recourse but to proceed with the charges as filed.

Very truly yours,

JACK RUBENSTEIN
New York State Director

JR:mb

Encl.

cc: W. Hissam
NLRB, Mr. I. McLeod

S. Cohen
Legal Department

GC 2B

WILLIAM POLLOCK
General President

JOHN CHUPKA
General Sec'y-Treas.

TEXTILE WORKERS UNION OF AMERICA

[TWUA Emblem]

99 University Place, New York, N. Y. 10003
ORegon 3-1400

November 5, 1965

Mr. Arthur Derse, Sr., Pres.
Wilder Mfg. Co.
Mechanic Street & Erie RR
Port Jervis, New York

Dear Mr. Derse:

On November 3 I sent you a letter and a copy of charges filed with the National Labor Relations Board as a result of your failure and refusal to sit down and negotiate a collective bargaining agreement with our union as the representatives of the company's employees.

Inasmuch as I note that I did not reduce to writing my request to represent all production and maintenance employees excluding all supervision and office clerical employees, I am now restating this for the written records. I have received copies of the letters you sent to employees who are out on strike. This, in our opinion, is a continuation of the company's unfair labor practice along with its refusal to bargain with the union.

The union is considering these letters demanding the return of the workers to work by November 4 as a form

of harassment. We will of necessity add this material to our charges against the company.

Very truly yours,

JACK RUBENSTEIN
New York State Director

JR:mb

cc: S. Cohen
W. Hissam
NLRB—I. McLeod

Reg.-RRR

GC 2C

January 6, 1965

Mr. Walter H. Derse
Wilder's Manufacturing Co.
Port Jervis, New York

Dear Mr. Derse:

Copies of your letters of December 30, 1965 and January 4, 1966 have been received by the writer through some of your employees who were good enough to forward them to me.

Assuming that the questions you raise in your letters to your employees have an element of merit or are completely true, the workers still have a right to pick a collective bargaining agency to represent them. That is the law. Irrespective of whether your arguments have merit, it should be quite obvious that the company's employees see this somewhat differently than you do.

Despite your offer that the plant is open for the workers to voluntarily return to work, the fact is that they are willing to stand a great deal of privation to convince you that they desire to be represented by the union.

Many of your workers feel that they have not been treated as well as your letters indicate. They may or may not be correct in this feeling but they certainly have the right to give expression to it through joining their union, and you as a law abiding employer should make an effort to sit down with the chosen representative in an effort to come to terms.

Your constant repetitious referrals to strangers and outsiders does not help to solve the problem. As a matter of law we are not strangers or outsiders. We happen to be the representatives of the company's employees as fully as the attorneys employed by the company to represent it in this case.

You seem to think that the workers did not understand your first letter of December 30 inviting them to come

back without the union and, therefore, felt called upon to send another letter on January 4 in which you repeated your company's offer for them to return to work and settle the present problems.

As far as the majority of your employees are concerned when the strike took place, there can be no real settlement unless you sit down with the collective bargaining agency picked by the workers to represent them.

Being an optimistic man by nature, I again wish to reiterate the sentiments expressed in my letter to you of December 27. That is, the union wishes to avoid the continuation of all quarrels with the company and we again invite the company to sit down with the union to the end that we work out a satisfactory agreement between the parties.

Very truly yours,

JACK RUBENSTEIN
New York State Director

JR:mb

cc: W. Hissam
S. Cohen
Union-Gazette Newspaper, Pt. Jervis, N.Y.
The Times Record-Middloetown, N.Y.

GC 2D

December 27, 1965

Mr. Arthur F. Derse
Wilder Manufacturing Co.
Port Jervis, New York

Dear Sir:

I have just received notice from the Labor Board regarding a meeting called for at the New York office for the purpose of considering an election which will be held on December 30 at the Board office. This union is prepared to enter into an election agreement. Yet, I feel what is needed is for the parties to get past these preliminaries, if it is at all possible.

I thought it might serve a useful purpose addressing a letter to you in the spirit of the Christmas season and in the hopes of starting the New Year on the right footing.

As you know, as a result of our union's request that you recognize it as the collective bargaining agent and your failure to respond by recognizing the union, our union called a strike in your company's plant.

There can be doubt that we represented the majority of your employees at the time, have continued to, despite the long duration of the controversy.

The union has no quarrel with the company preferring to operate without a union contract; however, once the union establishes a majority it is our opinion that the best results would be arrived at by recognizing the reality of the situation and seeing if the parties could work out a reasonable collective bargaining arrangement between them.

In the spirit of starting the New Year on the right footing, it is our union's proposal that the company again consider the question of recognizing the union, settling a number of immediate questions, and then proceeding

on a more leisurely basis to sit down and negotiate a collective bargaining agreement between the parties. The union, therefore, requests that the company reconsider its position and proceed forthwith to recognize the union. It is the writer's opinion that if this meets with the company's thinking, we could have the matter reasonably settled even before the first of the year or shortly thereafter.

Let me assure you that this union is not interested in continuing any animosities which can be reasonably and satisfactorily settled and it is in the spirit of this suggestion that I make these proposals. If this meets with your company's thinking, I would appreciate that either you or the company's lawyers phone me directly and I will be most happy to arrange for an early conference to see that the matters in controversy can be settled.

Trusting that you will give the suggestions in this letter your favorable consideration, I await your reply.

Very truly yours,

JACK RUBENSTEIN
New York State Director

JR:mb

cc: W. Hissam
S. Cohen

GC 4A

TEXTILE WORKERS UNION OF AMERICA

Affiliate of the AFL-CIO and CLC

(DATE) Oct. 11, 1965

I hereby accept membership in the Textile Workers Union of America of my own free will and do hereby designate said Textile Workers Union of America as my representative for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment.

MILL Wilders Mfg.

DEPARTMENT ..... SHIFT .....

NAME Jack Munoz
(Do not print)

ST. AND NO. R.D. #2

CITY Port Jervis, N. Y.

W.L.H.
(Received by)

HOME PHONE NO. 856-3898

GC 5

10/11/65 Feb. 1, 1966

Upon asking employer for recognition, and upon his refusal there is a motion among the people present to go on strike.

Motioned by Mike Molloy.

Seconded by Jack Munoz and agreed upon by the following:

/s/ Joseph Munoz

/s/ Charles L. Shaw

/s/ Harold D. Vandermark

/s/ Arthur J. O'Hara

/s/ Harmon B. Masker

/s/ James E. Stempert

/s/ Dominick Caliciotti

/s/ James Ehre

/s/ Jack Munoz

/s/ Frederick J. Hicks

/s/ Michael J. Molloy

Jack:

This is motion made at my house on Oct. 11, 1965 at Wilder Mfg. Co. employee meeting.

SUPREME COURT OF THE UNITED STATES

No. 73-1231

LINDEN LUMBER DIVISION, SUMMER & CO., PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD, ET AL.

ORDER ALLOWING CERTIORARI—Filed April 22, 1974

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. The case is consolidated with No. 73-1234 and a total of one hour is allotted for oral argument.

190

SUPREME COURT OF THE UNITED STATES

No. 73-1234

NATIONAL LABOR RELATIONS BOARD, PETITIONER

v.

TRUCK DRIVERS UNION LOCAL NO. 413, ET AL.

ORDER ALLOWING CERTIORARI—Filed April 22, 1974

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted. The case is consolidated with No. 73-1231 and a total of one hour is allotted for oral argument.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1974 552083 294